

UTT/18/0425/FUL – (UGLEY)

(Referred to Committee by Cllr Janice Loughlin. Reason: Due to overdevelopment of the Site)

PROPOSAL: The proposal would involve the demolition of existing clubhouse and outbuilding and the erection of 2 no. 4 bed detached dwellings

LOCATION: The application site is located off Cambridge Road (B1383), Ugley

APPLICANT: Mr S Withers

AGENT: Mr N Tedder

EXPIRY DATE: 10 April 2018 (Agreed extension of time until 27 April 2018)

CASE OFFICER: Emmanuel Allanah

1. NOTATION

1.1 Outside Development Limits, Archaeological Site, within 250m of local wildlife site, Mineral Safeguarding area and Aerodrome Direction.

2. DESCRIPTION OF SITE

2.1 The application site is located off Cambridge Road (B1383), Ugly which comprised of two buildings currently the former cycling club's clubhouse and also used as storage facility. The site is approximately 3900sq.m area.

2.2 The site is completely screened by existing trees and vegetation on all sides. The north of the proposed site is bounded by a Grade II Listed Building, The Chequers.

3. PROPOSAL

3.1 The proposal would involve the demolition of the existing clubhouse and outbuilding and the erection of 2 no. 4 bed detached dwellings.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

5. APPLICANT'S CASE

5.1 The application is supported with the following documents:

- Site Location Plan
- Ecological Survey Report
- Design and Access Statement
- Proposed Plans

The applicant used the above supporting documents to demonstrate how the

proposed development is considered acceptable in accordance with NPPF and the relevant Policies of the Adopted Local Plan (2005).

6. RELEVANT SITE HISTORY

- 6.1 UTT/17/2256/FUL. Planning permission for the demolition of existing clubhouse and outbuilding and the erection of new detached dwelling. 13.11.17.

7. POLICIES

Uttlesford Local Plan (2005)

- 7.1 Policy S7 – The Countryside
Policy GEN1 – Access
Policy GEN2 – Design
Policy GEN4 – Good Neighbourliness
Policy GEN7 – Nature Conservation
Policy GEN8 – Vehicle Parking Standards
Policy ENV2 – Development Affecting Listed Buildings

National Policies

- 7.2 National Planning Policy Framework (NPPF)
Planning Policy Guidance

8. PARISH/TOWN COUNCIL COMMENTS

- 8.1 Object to the proposal due to the following reason:
- The proposed development would be a breach of 1946 covenant; and the proposed access would be affected by a restricted line of sight.

9. CONSULTATIONS

Essex County Council Highways Authority

- 9.1 No objection.

ECC Archaeology

- 9.2 Awaiting for comments.

Aerodrome Safeguarding Officer

- 9.3 No objection.

10. REPRESENTATIONS

- 10.1 The application was published by sending twelve letters to adjoining occupiers, displaying of a site notice and advertising it within the local newspaper. 3 Letters of representation have been received objecting to the proposal on the following grounds:
- The proposal is a breach of the covenant dated 1946; stating only one dwelling can be allowed on the site.

- The proposal is an overdevelopment of the site
- The development would harm the general character of the area
- It will affect wildlife

11. APPRAISAL

The issues to consider in the determination of the application are:

- A Whether the principle of the proposed development is acceptable (ULP Policies S7, H1 and NPPF)
- B Whether the proposal would harm the setting of the nearby listed building, the character of the area and the amenity of the neighbouring properties (ULP Policies ENV2, GEN2, GEN4 and NPPF)
- C Whether the proposed development would affect wildlife (ULP Policy GEN7 and NPPF)
- D Whether the proposal would affect Archaeological Site (ULP Policies ENV4 and NPPF)
- E The Traffic impact (ULP Policies GEN1, GEN8 and NPPF).

A Whether the principle of the proposed development is acceptable (ULP Policies S7, H1 and NPPF)

- 11.1 Section 38 (60) of the Planning and Compulsory Purchase Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 set out the requirements that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material planning consideration which set out a presumption in favour of sustainable development.
- 11.2 The principle of one residential dwelling within the application site has been considered acceptable following the grant of planning permission reference UTT/17/2256/FUL. This planning permission has not been implemented.
- 11.3 In land use terms the application site is located outside development limits and in an area where rural restraint policy, as advocated in Policy S7 applies. The objective of this policy seeks to protect the rural area from inappropriate development and permission will only be given for development which is appropriate to the rural area or needs to take place there. Permission will only be given for development which protects or enhances the character of the countryside in which it is set or there are special reasons why the development needs to be there. The proposal in this instance is considered appropriate as it relates in form, layout, scale and design with the character of the area which comprised of different scale, design and form of residential dwellings within the site area. It should be noted that the review of Policy S7 for its compatibility with NPPF concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas. Given the location, layout, form, scale, and variety of residential dwelling design in close proximity to the application site; on balance the proposed two dwellings scale, form and design are not considered to be out of character of the existing nearby small settlements in close proximity to the proposed site. And the design approach and scale of the two detached dwellings is not considered to be in conflict with Policy S7.
- 11.3 The NPPF; sets out a presumption in favour of sustainable development and this presumption is increased where there is no 5 year land supply for housing. In this

instance, the most recent housing trajectory identifies that the Council has 3.7 or 4.2 year land supply depending on the scenario used to calculate the supply. The Council also considers that it is a 5% buffer authority and that there has not been a persistent under-supply of housing delivery. In the same vein, a sustainable development which satisfies paragraph 7 of NPPF; where there is no 5 year land supply, relevant weight should be given to paragraph 7 where a development is considered sustainable for example; to development which shows its location and form are seamless to its economic, social and environmental roles within the planning regime.

- 11.4 Economic: The two proposed dwellings would create a temporary employment during the construction stages and generate economic purchasing power through those that will occupy the dwellings that would be able to support local infrastructure in the nearby Bishop Stortford centre through their easy access of rural bus services with further advantage as the site is located opposite a bus stop along this part of Cambridge Road.
- 11.5 Social: Although; only two dwellings would be derived through this development which would assist to meet rural housing need which is sustainable it is not considered that allowing such sustainable development would be prejudicial with the current attempt of achieving the adequate housing land supply which is the focus of the current Local Plan under consideration. For the benefit of any doubt the location of such two dwellings within easy access to rural bus services would assist to satisfy the social role of this development by providing rural housing need that is also sustainable.
- 11.6 Environmental: The demolition of the existing two buildings associated with the cycling club to give way to the two proposed detached dwellings would be accompanied with a detailed landscaping scheme as shown in the proposed location plan. This is welcome as it would help to make the site surrounding inviting to wildlife, and as the findings of the ecological survey report did not show any adverse effect to wildlife. In conclusion; the proposal satisfies its environmental role as advocated in paragraphs 6 and 7 of the NPPF.

B Whether the proposal would harm the setting of the nearby Listed Building “The Chequers” or the amenity of the adjoining occupiers (ULP Policies ENV2 , GEN2, GEN4 and NPPF)

- 11.7 Due to the proximity of the application site to the nearby Listed Building; this application would need to be determined in accordance with section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in order to conclude whether the proposal would harm the setting or special characteristic features of the listed building.

Policy ENV2 states that development affecting a listed building should be in keeping with its scale, character and surroundings. Demolition of a listed building, or development proposals that adversely affect the setting, and alterations that impair the special characteristics of a listed building will not be permitted.

Paragraph 132 of the National Planning Policy Framework (NPPF) asserts that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The location, mass, height, layout, form and design of the proposed two storey detached dwellings which would be screened with the new landscaping scheme

would help to shield the development from any direct view from The Chequers. And the design approach taken to ensure the two proposed dwellings emulate the features of “The Chequers” and some element of the features of the immediate residential dwellings nearby contributed in safeguarding the setting of the nearby listed building. In conclusion; the proposal is not considered to be in conflict with relevant Planning Legislation cited above including Policy ENV2.

The application site is not very close to “The Chequers” or other residential settlement within the area. The applicant also took into consideration the advice given during the pre-application enquiry stage involving the development of 3 to 4 dwellings within the site which was considered unacceptable because of its impact on the character and appearance of the open countryside and which would lead to the overdevelopment of the site. Hence; the proposed two detached dwellings are not considered as an overdevelopment of the site and it would not harm the character of this part of the countryside or the setting of the listed building.

The views of the objection letters received has been considered and there is no evidence to suggest that the scale and design of the two proposed detached dwellings would harm the amenity of the adjoining occupiers. For example; given the location, form, layout, scale, design and its distance from nearby residential properties including The Chequers; there is no evidence to demonstrate the proposed scheme would harm the living condition of the adjoining properties in terms of overlooking or overbearing. In conclusion; the proposal therefore would not harm the amenity of the neighbouring properties.

In consideration with the provision of amenity space within the proposed scheme; plot 1 of the proposed dwelling would have approximately 500sq.m rear garden space and plot 2 would have approximately 1,790sq.m rear garden. Such standards far exceed the normal 100sq.m rear garden space required for a four bedroomed dwelling. And each dwelling would be designed to meet the requirement standards of Lifetime homes as a result such design approach is welcome and encouraged. The double proposed garage on each dwelling are integrated or attached to each dwelling with a minimum of two additional car parking spaces shown at the front of each proposed dwelling

C Whether the proposal would be harmful to wildlife (ULP Policy GEN7 and NPPF)

11.8 The objective of Policy GEN7 includes development that would not be harmful to wildlife will be permitted.

This proposed development is supported with biodiversity check list and ecological survey report which has been considered by Essex County Council Ecologist. In this instance; there is no evidence to suggest the proposal would be harmful to nature conservation and therefore accords with Policy GEN2 of the Local Plan.

D Whether the proposal would affect Archaeological Site (ULP Policies ENV4 and NPPF)

11.9 Essex County Archaeology in response to the previous approved planning permission UTT/17/2256/FUL; advised the planning department that it is not considered that the previous approved one dwelling would have any archaeological implications. It is your Planning Officer’s view that the same advice is deemed to be applicable to these current proposed two dwellings considering there is material change to the proposed site location hence; the proposal is not in conflict with Policy

ENV4.

E Whether the proposal would affect traffic or other road users (ULP Policies GEN1, GEN8 and NPPF)

11.10 The objective of Policies GEN1 and GEN8 includes development that will affect traffic or other road users will not be permitted; and development that cannot provide required standards design of car parking spaces will not be permitted.

The proposed access would be taken from the front of the site facing Cambridge Road by using the existing access point and widening it as suggested in the previous approved one dwelling scheme within the site which is not likely to be implemented due the current proposed development foot print.

The design approach of the proposed scheme includes integration of an attached garage to each of the proposed dwellings in addition with designated parking area within the front of each dwelling front drive.

Proposed four car parking spaces and cycle storage indicated in the Design and Access Statement has been taken into account but since it is not physically shown in details through a proposed plan such requirements would need to be a condition following the approval of this proposed development.

In consultation with Essex County Council Highways Authority they advised that they have no objection to the proposal; although recommended appropriate planning conditions in order to protect and safeguard traffic in the area in accordance with Policy GEN1.

12. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A** The principle of the development is acceptable considering it is located within a sustainable location with easy access to rural bus services; the proposed two dwellings would not harm the character of the countryside and the dwellings would contribute to rural housing need.
- B** The scale, mass, layout and design of the two proposed detached dwellings would not affect the setting of the nearby listed building. The features incorporated with the design of the two dwellings would not harm the character of the area because it would be compatible with scale, mass and features of nearby existing dwellings.
- C** The proposal would not affect the amenity of the adjoining occupiers and would not lead to overdevelopment of the site because the proposed two dwellings can be accommodated within the site.
- D** The scale and location of the development would not be harmful to wildlife or affect archaeological site.
- E** The proposed access would not affect traffic or other road users.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years

from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Before development commences samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policy GEN2 of the adopted Local Plan (2005).

3. Prior to commencement of the development, details of the following hard landscaping works must be submitted to and approved in writing by the local planning authority:

- Hard surfaces
- Boundary treatment

All hard landscape works must be carried out in accordance with the approved details.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

4. Prior to occupation of the dwelling hereby permitted, the existing buildings within the site must be demolished.

REASON: To protect the character and appearance of the area, in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

5. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the footway/verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with Policy GEN1 of the adopted Local Plan (2005).

6. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

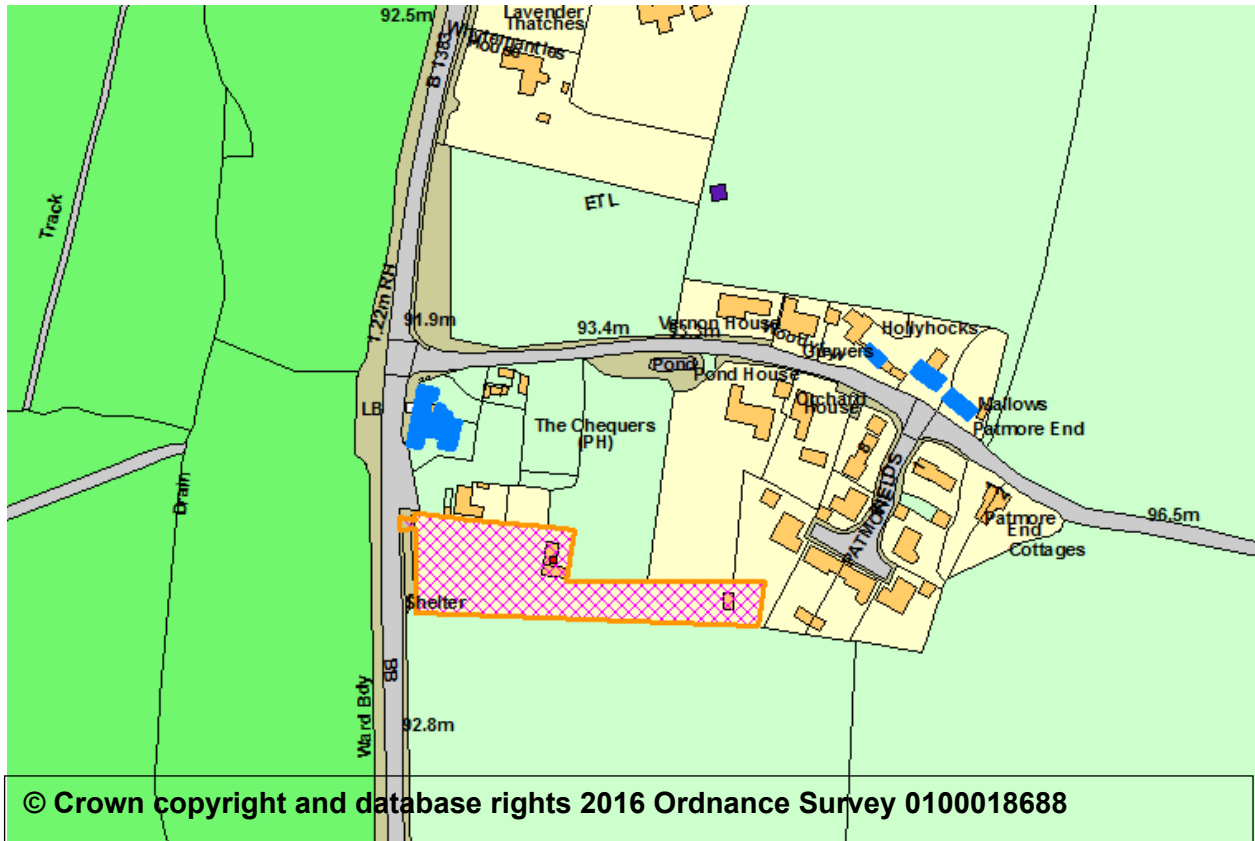
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy GEN1 of the adopted Local Plan (2005).

- 7 Prior to occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be provided clear of the highway and retained at all times for that sole purpose.

REASON: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety in accordance with Policy GEN1 of the adopted Local Plan (2005).

Application: UTT/18/0425/FUL

Address: Eagle Road Club, Cambridge Road, Ugley



Organisation: Uttlesford District Council

Department: Planning

Date: 29 March 2018