

UTT/1615/12/FUL (Great Chesterford)

(Councillor application interest)

PROPOSAL: Erection of dwelling with triple garage.

LOCATION: Site adjacent to The Delles, Carmen Street, Great Chesterford

APPLICANT: Mr & Mrs Redfern

AGENT: Brian Christian

GRID REFERENCE: TL 507-429

EXPIRY DATE: 4 October 2012

CASE OFFICER: Mr C Theobald

1 NOTATION

1.1 Outside Development Limits / Within Conservation Area.

2. DESCRIPTION OF SITE

2.1 The application site comprises part of the extensive lawned grounds of The Delles, a large mid-Victorian dwelling, albeit not listed, on the corner of Carmen Street and Jackson's Lane measuring approximately 0.3 ha. The site is physically enclosed along its frontage boundary onto Carmen Street and along its north-eastern boundary with Jacksons Lane by continuous 2m high flint curtilage walling and is further screened at the front of the site and along Jacksons Lane by extensive tree cover. Open amenity/pasture land exists to the rear of the site. Vehicular access to The Delles is gained via a gated entrance onto Carmen Street through the boundary wall opposite School Street with secondary courtyard access being gained on the dwelling's western flank. The trees on the site collectively form a TPO grouping.

3. PROPOSAL

3.1 This re-submission scheme relates to the erection of a substantial four bedroomed detached dwelling with basement with detached triple bay garage block positioned to the front. The new dwelling would have an overall span of 15 metres, a maximum depth of 13 metres and maximum height to the ridge of 8 metres and would incorporate a Georgian period style front façade incorporating a 5 window range with centrally positioned front portico porch and a more traditional double gabled rear elevation, together with side lean-to utility. The proposed garage would have a height to the ridge of 6.5 metres. The new dwelling would have either a plain clay tiled or slated roof and be externally clad with brick to the principal elevation and brick and render to the rear elevation. The dwelling would be served by the existing vehicular access onto Carmen Street, whilst the existing drive through to the Delles would be closed off with access to that property being subsequently gained via the existing courtyard access.

3.2 Since the previous application (Ref: UTT/0579/12/FUL) refused by Planning Committee on 27 June 2012, the applicant's agent has included further

submissions to address the previous reason for refusal. This includes an enhanced landscaping scheme and tree and ecology management plan.

4. APPLICANTS CASE

4.1 The application is accompanied by a Planning Supporting Statement, Design & Access Statement, Village Facilities Statement, Comparative Dwellings Statement, Tree and Landscape Impacts Statement, a Biodiversity Enhancement and 5 Year Management Plan.

4.2 The conclusions from the Planning Supporting Statement are summarised as follows :

- The site lies outside the development limits and Local Plan Policy S7 seeks to protect the countryside for its own sake. However, I have demonstrated that this site is not situated in the countryside; it is within the physical limits of the village, immediately opposite the village stores, and close to all of the other amenities such as the school and public house. It is an established residential curtilage, in an otherwise built up frontage;
- The development would not impact on the landscape or on the openness or intrinsic character of the countryside. It would instead deliver additional housing in a sustainable location through efficient but not overused use of the land;
- I have demonstrated that the development can take place without harm to the character of the Conservation Area. The characteristics the application site affords to this part of the Conservation Area is the enclosure provided by the brick and flint wall and the green and well vegetated appearance of the site, apparent above the wall. The character is not that of openness, as no views can be gleaned into the site, even during winter months;
- These aspects of the site when viewed from the road will mean that the public perspective will be unchanged. However, in the long term this aspect will be improved, as the trees will be managed and looked after in accordance with the arboricultural report and supplemented with additional planting where necessary. The proposed dwelling, whilst being large, would not be visible behind the vegetation and the arboricultural report confirms that the development would not damage or require the removal of any trees. Therefore, in accordance with Local Plan Policy ENV1, the essential feature of the Conservation Area will be preserved and enhanced. Furthermore, compliance with Policy ENV3 will be achieved dealing with the protection of visually important groups of trees.

4.3 The Landscape Impacts Statement also outlines potential benefits and detriments of a new dwelling in relation to the Great Chesterford Conservation Area Appraisal.

4.4 The conclusions from the Landscape Impacts Statement are summarised as follows:

- As the development site is screened and would not compromise the trees, the existing house and or walls, it is unclear how the *“proposed development would have an adverse impact on the quality and fabric of the Conservation Area”*;
- The landscape strategy forming part of the application not only clearly illustrates that the quality, fabric and indeed setting of the Conservation Area is unaffected, it demonstrates to not only maintain but manage and enhance the important tree belts, ensuring the overall important characteristics of the site will benefit;

- The important key characteristics of this area, i.e; “strong vertical backdrop”, will be retained and an opportunity will be provided to the Council to ensure that it does not decline and be constructively enhanced;
- In light of the commentary above, it is considered that the former objection by the Council's Landscape Officer to this development regarding detrimental impact on the Conservation Area is unfounded. Policy ENV1 states that “Development should only be allowed where it preserves or enhances the character and appearance of essential features”. This is fully delivered by these proposals, and therefore objection on this basis would be unjustified.

5. RELEVANT SITE HISTORY

- 5.1 UTT/1527/11/FUL: Erection of dwelling and garage - withdrawn 7 October 2011.
- 5.2 UTT/0579/12/FUL: Erection of dwelling and garage - refused on 29 June 2012.

Reason for Refusal:

"The application proposal would be contrary to the aims of the Great Chesterford Appraisal and Management document approved in 2007 for Development Management purposes which identifies those important open spaces within the village, including the application site, which should be protected from future development. The proposal would by this be contrary to ULP Policy ENV3 of the Uttlesford Local Plan (adopted 2005) which states that development will not be permitted unless the need for the development proposed outweighs the amenity value of such open spaces".

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 East of England Plan 2006

- Policy SS1: Achieving Sustainable development
- Policy ENV6: The Historic Environment
- Policy ENV7: Quality in the Built Environment

6.3 Essex Replacement Structure Plan 2001

- None.

6.4 Uttlesford District Local Plan 2005

- ULP Policy S7: The Countryside
- ULP Policy GEN1: Access
- ULP Policy GEN2: Design
- ULP Policy GEN7: Nature Conservation
- ULP Policy GEN8: Vehicle Parking Standards
- ULP Policy ENV1: Design of development within Conservation Areas
- ULP Policy ENV3: Open Spaces and Trees
- ULP Policy ENV4: Archaeological Sites

6.5 Other plans/documents referred to

Great Chesterford Conservation Area Appraisal and Management Proposal document adopted 2007 following consultation for Development Management purposes.

7. PARISH COUNCIL COMMENTS

- 7.1 This proposal site lies outside village development limits and offers no community benefits. As such, the development would set a precedent for similar developments elsewhere in the village.

8. CONSULTATIONS

Essex County Council Highways:

- 8.1 (Comments from previous planning application UTT/0579/12/FUL):

No highway objections. Informative: The highway authority has concerns over the restricted visibility at the existing site access and it is likely that any further intensification of the access would attract a recommendation of refusal.

ECC Archaeology:

- 8.2 The Essex HER shows that the proposed development lies in a highly sensitive area to the east of the Roman walled town with previous excavations in the immediate area recovering evidence of Roman occupation (HER 4915). Also potential of medieval deposits surviving on the site. Any groundwork in this area is likely to destroy important archaeological deposits. This potential has not been identified within the supporting statement. Recommend full archaeological excavation condition.

Specialist Design on Listed Buildings and Conservation:

(Comments from previous planning application UTT/0579/12/FUL):

- 8.3 The proposed dwelling scheme as re-submitted is still of substantial proportions as a "country house" as with the previous proposal, although would have a less pastiche and less complicated design form than the previous unacceptable design scheme. I would have no design objections to this revised scheme subject to the dwelling being turned around 180 degrees so that the principal elevation of the dwelling fronts onto Carmen Street rather than towards the rear boundary. Whilst the proposed triple garage at the front would have a large footprint/volume, it would nonetheless represent a subservient structure in terms of its size and built form relative to the size of the dwelling to which it would serve. I therefore have no design objections on this basis where the proposal would not overly impact upon the setting of the non-listed The Delles.

9. REPRESENTATIONS

- 9.1 None received

10. APPRAISAL

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

- A Countryside protection / whether the proposal would constitute sustainable development by reason of its location (NPPF, ULP Policy S7);

- B Whether the proposal would be harmful to bio-diversity, including protected species (ULP Policy GEN7);
- C Design / whether the proposal would preserve or enhance the character and appearance of the conservation area, including open spaces and trees (ULP Policies GEN2, ENV1 and ENV3);
- D Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8).

A Countryside protection / whether the proposal would constitute sustainable development by reason of its location (NPPF, ULP Policy S7)

10.2 The application site falls just outside development limits for the village where ULP Policy S7 states that the countryside will be protected for its own sake and where permission will only be granted for development that needs to take place there or is appropriate to a rural area, adding that development will only be permitted if its appearance protects or enhances the particular character of the countryside within which it is set. Strictly, therefore, the proposal would be contrary to rural constraint policy. However, the site forms part of an established large residential curtilage in an otherwise built up frontage along Carmen Street/Carmel Street and does not because of this have the appearance of countryside at this just north of village centre location where the site's rear boundary borders onto pasture/amenity land beyond which is clearly more open in character. Furthermore, the site is considered to be within a sustainable location close to village services, including the village post office and primary school and where the NPPF states that there will be a presumption in favour of sustainable development where a proposal is in all other respects in accordance with the development plan for the area. As such, it is considered that the proposal would not conflict with the countryside protection aims of ULP Policy S7 on this basis.

B Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8)

10.3 The proposal would utilise the existing and established double gated entrance at the south-east corner of the site which comprises a 3.4m span gap between brick piers within the existing 2 metre high front boundary flint wall. It would be the applicant's intention to seal off the existing driveway through to The Delles and for vehicular access to that property to be served instead by the existing access on the courtyard side with the existing access only serving the application site. As such, the proposal would not give rise to any intensification of the existing use of the eastern access point and ECC Highways have not objected on this strict basis notwithstanding that visibility outside the site at the corner junction is considered to be restricted. No highway objections are therefore raised on this basis under ULP Policy GEN1.

10.4 The triple garage would have internal parking space measurements of 5 metres by 2.7 metres, which is below the minimum internal space dimensions recommended under new parking standards in order to allow provision of some storage space. However, this requirement is considered not to be so critical for the application proposal where the requirement for garage storage space at the site would not be a relevant issue. Turning space within the site would be adequate. No parking objections are therefore raised to the proposal under ULP Policy GEN8.

C Whether the proposal would be harmful to bio-diversity, including protected species (ULP Policy GEN7)

- 10.5 The application site currently comprises a large, established, slightly raised domestic grassed tennis court area set between two belts of site perimeter tree vegetation. Standing advice from Natural England states that ecology surveys may be required in such situations subject to site specific conditions. However, there are no recorded protected species for the site or within its immediate vicinity and it is considered from the application details submitted and the nature/condition of the land that the proposal would not be harmful to bio-diversity, including protected species under ULP Policy GEN9.
- 10.6 The resubmitted proposal includes a Biodiversity Enhancement and 5 Year Management Plan which would enhance the ecological quality of the site through the provision of further ecological corridors as shown in the submitted documents.

D Design / whether the proposal would preserve or enhance the character and appearance of the conservation area, including open spaces and trees (ULP Policies GEN2, ENV1 and ENV3)

- 10.7 The proposal would represent a large dwelling of imposing design and proportions with detached frontage triple garage. The applicant has made the case through a comparative dwelling assessment that the proposed development would be comparable in scale, character and contextual setting with existing larger dwellings and grounds located within the village as identified in the assessment, including Chesterford House, Essex House, The Mumbles and Mill House and would therefore be an acceptable proposal for the application site. It is further argued that the proposed dwelling would be appropriately scaled in relation to the built form of The Delles and its setting. In this respect, the frontages along Carmen Street contain properties of a varied built form and it is considered that the design of the proposed dwelling as revised from the previous scheme would represent an appropriate frontage continuum where the development would not have a material adverse impact upon the setting or the reasonable enjoyment of The Delles and where the proposed garage block would be subservient in scale to the proposed dwelling. In the circumstances, the proposal is considered acceptable in design terms under ULP Policy GEN2.
- 10.8 In addressing the previous reason for refusal under application UTT/0579/12/FUL, the applicant's agent has submitted a Landscape Impact Statement. Within the submitted statement the applicant's engaged aboriculturalist has fully assessed the quality of the landscape within the application site and beyond into the adjacent parkland to the north-west of the site. In this respect, the statement has fully considered the important differences between the well treed quality of the development site and its linkage to the open paddock land to the rear.
- 10.9 The previous refused scheme did demonstrate that no harm would be caused to any existing trees on the site. The re-submitted proposal goes further by providing further details of ongoing pro-active management of existing trees to ensure a more enhanced landscape from the proposal. This also includes new planting with appropriate species to replace dead or dying trees in and beyond the application site. Within the submitted Landscape Impacts Statement and associated Management Plan, the applicant has now demonstrated that the proposal would have a positive impact in terms of landscape setting and therefore has suitably addressed the previous reason for refusal, and therefore would be compliant with Policies ENV1 & ENV3 of the Uttlesford Adopted Local Plan 2005 and the Great Chesterford Conservation Area Appraisal document Approved in 2007.

11. CONCLUSION

- 11.1 It is considered by the submission of further detailed documents, including a Landscape Impacts Statement, a Five Year Management Plan and a Biodiversity Enhancement Scheme, that the applicant has suitably addressed the previous sole reason for refusal against planning application UTT/0579/12/FUL. As such, the proposed development is now considered to represent an appropriate form of sustainable development at this village location which would not harm the setting and character of the Great Chesterford Conservation Area.

12. RECOMMENDATION - CONDITIONAL APPROVAL

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. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details and to ensure that the development is carried out with the minimum harm to the local environment in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

3. The development shall be carried out in complete accordance with the landscaping enhancement measures identified in the Landscape Impacts Statement, Five Year Management Plan and the Biodiversity Enhancement Scheme, together with other relevant landscaping details included in these measures accompanying the application. Any proposed planting scheme forming part of these measures shall be carried out within one planting season of the completion of the development hereby permitted, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To seek a positive landscape enhancement of the site in order to justify the development hereby permitted in accordance with ULP Policies GEN2, ENV1 and ENV3 of the Uttlesford Local Plan (adopted 2005).

4. 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 Policies GEN2 and ENV2 of the Uttlesford Local Plan (adopted 2005).

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped and in the interests of visual amenity in accordance with ULP Policies S7, GEN2, ENV1 and ENV3 of the Uttlesford Local Plan (adopted 2005).

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the garaging hereby permitted shall be retained for the parking of domestic vehicles in connection with the use of the dwelling hereby permitted and shall not be converted to another use, including conversion to additional habitable accommodation, without the prior approval in writing of the local planning authority.

REASON: To avoid the requirement for further buildings for this purpose on the site in accordance with Policies S7, GEN2, GEN8, ENV1 and ENV3 of the Uttlesford Local Plan (adopted 2005).

7. In accordance with the submitted application details, all surface water shall drain to soakaways unless an alternative scheme is submitted to and approved in writing by the local planning authority before the commencement of the development.
Note: This condition applies to all surface water, including from any impermeable ground surfacing.

REASON: To control the risk of flooding to the development and adjoining land in accordance with Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

8. Prior to commencement of the development hereby permitted, the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic, shall be identified clear of the highway, details of which shall be submitted to and approved in writing by the Local Planning Authority .

REASON: To ensure that appropriate loading/unloading facilities are available so that the highway is not obstructed during the construction period in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

9. Before any development or preliminary groundworks of any kind commence the applicant shall secure the implementation of a programme of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

10. The development hereby permitted shall be implemented in accordance with the scheme of mitigation and bio-diversity enhancement measures submitted with the application in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

REASON: In the interest of the protection of the bio-diversity value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

11. The development hereby permitted shall incorporate all measures set out in the accessibility statement which accompanied the application.

REASON: To ensure that the new dwelling can be readily used by people with physical disabilities in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Standard informative note.