

UTT/13/0027/OP (QUENDON & RICKLING)

PROPOSAL: Outline application for 5 affordable dwellings with adjoining area of land for a public play area and new access.

LOCATION: Foxley House, Green Road, Rickling Green

APPLICANT: Mrs J Rich

AGENT: Donald Insall Associates

GRID REFERENCE: TL 512-299

EXPIRY DATE: 27 March 2013

CASE OFFICER: Consultant (Alison Hutchinson)

APPLICATION TYPE: Minor

1. NOTATION

1.1 Outside Development Limits

2. DESCRIPTION OF SITE

2.1 The site is located adjacent to the B1383, on the southern edge of Quendon and to the east of Rickling Green. The site covers an area of 0.20ha and comprises an area of garden land associated with Foxley House. The land is covered in grass but does not have the manicured appearance of lawn. The eastern boundary of the site abuts the land to be provided as an extension to Rickling Green Primary School whilst to the west it borders the B1383. To the south is Ventnor Lodge a detached and to the north is an area currently proposed for the development of 14 dwellings.

3. PROPOSAL

- 3.1 The application relates to the provision of 5 affordable dwellings together with an area to be used for a public play area. It has been submitted in outline form with the access, scale and layout to be determined. An indicative layout is submitted showing the dwellings positioned in two rows at right angles to each other. Plots 1 and 2 are located on the southern part of the site facing towards the school and the area to be used for educational purposes under Ref; UTT/13/0026/FUL. Plots 3, 4 and 5 are located in a terraced facing north and positioned at right angles to Cambridge Road. The proposal is for 2 x 3 bed and 3 x 2 bed units, each with car parking adjacent and with rear gardens. The area for the playground is located at the corner of the site adjacent to Plots 2 and 5.
- 3.2 It is proposed that a new access would be created onto the B1383. This would be located to the north of the site.
- 3.3 The application forms one of three applications which are all before this Planning Committee for consideration. The current application provides the affordable housing for a scheme of 14 market dwellings proposed to the north of the site under UTT/1359/12/OP whilst UTT/13/0026/FUL seeks planning permission for the change of

use of an adjoining piece of land which is immediately adjacent to the primary school, for educational purposes. All three applications are interlinked.

4. APPLICANT'S CASE

4.1 A comprehensive Design and Access statement has been submitted with the application. This provides details of the site, the proposal, relevant national and local planning policies. Details of pre-application consultations that have been undertaken are set out as well as details of the characteristics of the built form within the village and traditional forms of development in surrounding villages. The Design and Access Statement highlights the main changes to the previous application which was dismissed on appeal, partly because of the lack of affordable housing. There are;

- The current proposal for affordable housing and a public play area
- The location of the 14 dwellings has been moved following discussions with officers at the Council and with the Parish Council and the balance of the size of the houses has been changed and now includes two semi-detached market homes without garages to be available at a lower price. (separate application)
- An area of land is to be provided for the school. (separate application)

4.2 The report for an ecological scoping survey is included with the application.

5. RELEVANT SITE HISTORY

5.1 UTT/0572/06/OP

Outline application for the erection of one dwelling adjacent to Foxley House refused June 2006 and allowed at appeal November 2006.

5.3 UTT/2364/11/OP

Outline application for the erection of 14 dwellings on land to the rear of the primary school. Refused November 2011 and dismissed on appeal September 2012.

6. POLICIES

6.1 **National Planning Policy Framework**

6.2 **Uttlesford District Local Plan 2005**

Policy S7 - The Countryside

Policy GEN1 - Access

Policy GEN2 - Design

Policy GEN6 - Infrastructure Provision to Support Development

Policy GEN7 - Nature Conservation

Policy GEN8 - Vehicle Parking Standards

Policy H9 - Affordable Housing

Policy H10 - Housing mix

Policy H11 – Affordable Housing on “Exception Sites”

Supplementary Planning Document - "Accessible Homes and Playspace"

7. PARISH COUNCIL COMMENTS

- 7.1 The Parish Council support this application in conjunction with others connected with it. The Parish Council have been consistent in stating that the proposed playground should not be separated from the land being gifted to the school (Ref: 13/0026/FUL) by any vehicular access or parking as the future safety of nursery age children being of paramount importance. The Parish Council envisage the possibility that when the school is eventually able to build a nursery, they may wish to insert a gate in the fence, allowing easy access for children to the playground. This would not, in the Parish Council's view be safe if traffic is allowed to move between the two. A solution, previously suggested to Mr Rich, would be to move the playground west, leaving pedestrian only access between it and the school fence, and move the parking area to the proposed site of the playground. The Parish Council advise that Mr Rich has suggested that there could be a problem with this caused by the nature of an objection raised by Essex Police. There have been no reports of crime associated with Fosters Path, nearby and similar, and there is no reason to suggest that crime will become a problem with the suggested solution. In any case, the safety of children would, in our opinion take precedence over any perceived threat of minor crime. The Parish Council invite the Police to provide evidence supporting their objection.

8. CONSULTATIONS

ECC Highways

- 8.1 No comments

Affinity Water

- 8.2 The application is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Newport pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Veolia Water Ltd. Veolia Water requires that the construction works and operation of the proposed development site is done in accordance with the relevant British Standards and best management practices to significantly reduce the groundwater pollution risk.

ECC Ecology

- 8.9 No objections subject to the imposition of appropriately worded conditions to secure the mitigation strategy contained in Sections 8 and 9 of the Ecological Scoping Survey Report and to ensure that the survey is updated in the event that planning permission is not started within 2 years of the date of the survey.

9. REPRESENTATIONS

- 9.1 2 Representations have been received: 1 providing a general comment and the other writing in support.
- 9.2 Comment: There should be a specific commitment within the design and access statement for all houses to meet the Lifetimes Homes Standard.

- 9.3 Support: In favour as has two sons who would like to stay in the village but can't because there is no affordable accommodation. Also there is a need to bring more people into the village to maintain the use of the pub, the Cricket and the village hall and help to keep the community together. More people in the village would be able to walk to school.

10. APPRAISAL

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

- A The principle of development of this site for affordable housing (ULP Policies S7 and H11)**
- B Access to the site and parking provision (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies)**
- C The proposed scale, layout and form of the development (ULP Policy GEN2)**
- D Whether there would a detrimental impact on nature conservation and landscape features (ULP Policies GEN7 and GEN2)**

A The principle of development of this site for affordable housing (ULP Policies S7 and H11)

- 10.1 The site is located outside the development limits for Quendon and Rickling Green and is therefore located within the Countryside where ULP Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. However, the application proposes 5 affordable units and Policy H11 of the Local Plan confirms that affordable housing will be permitted outside settlements on a site where housing would not normally be permitted if it would meet the criteria set out in the policy.
- 10.2 It is considered that the proposal would meet all the criteria of Policy H11. All 5 dwellings (100%) would be provided as affordable housing. It is proposed to transfer the land and the land will then be passed to a Registered Social landlord (Policy H11a). In addition, the development will meet an identified local need and there is no other site identified for development within Rickling Green where affordable housing could otherwise be provided (Policy H11b). It is considered that the scale of the development is appropriate in this location and to the size, facilities and character of the settlement (Policy H11c) and the site adjoins the settlement and is closely linked and accessible to the main facilities within the village including the school and the public house (Policy H11d).
- 10.3 The applicants have sought to address some of the objections to the earlier 2011 appeal proposal and have been in discussion and negotiation with officers and with the Parish Council and the current proposals are the result of those negotiations. The application provides the affordable housing, the lack of which was one of the reasons for the dismissal of the previous appeal. It is accepted that the 5 units do not provide the 40% affordable housing required for the 14 dwellings on the adjacent site under Policy H10, but the 5 dwellings will meet the local identified need and it is considered that the proposal contained in the current application, together with the additional land at the rear of Rickling Primary School for educational purposes contained in UTT/13/0026/FUL, provide significant benefits for the village and help to offset some of the objections in relation to unsustainability raised by the Inspector. All three

applications for development at Foxley House are before Members for determination at this meeting.

- 10.4 It is considered that the application is acceptable and will bring forward affordable housing on this exception site and will meet a local identified need. The proposal therefore complies with Policy H11 of the Local Plan.

B Access to the site and parking provision (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies)

- 10.5 The local highways authority has confirmed that it has no objection to the new access onto the B1383 in its consultation response to UTT/1359/12/OP. However, the proposed access from the B1383 which is intended to serve the 5 affordable units is located outside the red line of the current application site and the implementation of this application will be dependent upon the implementation of the adjoining development and the construction of the access. It is considered that details of the access will be required to ensure that it makes appropriate provision for the current application site.
- 10.6 Although the application is in outline, the submitted layout shows two parking spaces for each dwelling, that they would be located close to the dwelling in question and would comply with Policy GEN8 of the Local Plan and the SPD.
- 10.7 The comments of the Parish Council in respect of the location of the playground and the potential conflict with cars is also noted. However, it is considered that there would be limited conflict and that the cars from Plots 1 and 2 would be the only cars that would need to pass the playground. It is considered that the layout as proposed is acceptable.
- 10.8 The plans show a footpath between this development and the school and public house on land within the ownership of the applicants but outside the red line of any of the three applications. This footpath is required to allow access to the playground at the rear of the school. The Police Architectural Liaison Officer has raised concerns about this footpath under Ref: UTT/1359/12/OP but it is considered that this footpath link is important and would assist in linking the development to The Green and to the rest of the village, allowing children to access the playground. If the footpath is not provided, the only access into the development and to the playground and housing is via the access from the B1383. This is unsuitable as there are no footpaths on the western side of the road and none proposed by the development. In this instance, therefore, it is considered that the Police Architectural Liaison Officer's advice should be discounted and the Section 106 be required to make provision for the footpath in the location shown on the plans to facilitate access to the current proposals.

C The proposed scale, layout and form of the development (ULP Policy GEN2)

- 10.9 The design and access statement provides details of the rationale behind the proposed development. This indicates that the character, size and materials of properties in the village and neighbouring villages were assessed, in addition to residential conversions of former agricultural buildings.
- 10.10 The proposals are in outline and only indicative proposals are submitted of the dwellings. These show the pair of semi-detached cottages and a terrace of three dwellings of traditional scale and form with rear gardens. The dwellings are currently proposed as 2 and 3 beds but the final mix will be resolved at a later stage when the

Registered Social Landlord is engaged. It is considered that the layout as proposed is acceptable and will allow an attractive form of development which will complement the surrounding area and the village as a whole. It is considered that the scale, layout and form of the development is in keeping with the character of the village and the surrounding development and that the application is in accordance with Policy GEN2 of the Local Plan.

D Whether there would a detrimental impact on nature conservation and landscape features (ULP Policies GEN7 and GEN2)

10.17 An ecological assessment of the site has been undertaken and submitted with the application. This information has been considered by the ECC Ecologists who have not raised any concerns regarding protected species on the site and recommend that the ecologist's recommendations in sections 8 and 9 of the report are carried out. The proposal would therefore comply with the requirements of ULP Policy GEN7.

10.18 The site is located adjacent to the B1383 and is separated from the road by a grass verge and ditch together with mature trees and vegetation extending along the road frontage. This vegetation provides an important visual feature along this section of road and will help to screen much of the development from the road. Although the proposed access will form a gap through the trees, it is considered that the remainder should be retained as far as possible to protect the street scene. Appropriate conditions would ensure that the trees and hedgerows are retained as far as possible in accordance with Policy GEN2 (b) of the Local Plan.

11.0 CONCLUSION

11.1 The application proposes 5 affordable units on land outside the development limits of the village. The site is considered to be a Rural Exception site and the proposals comply with the requirements of Policy H11 of the Local Plan. The proposal will meet the local needs for affordable housing in the village and the form, scale and layout of the proposal is considered to be acceptable and will also provide a further village facility with the public playground. The proposed development is acceptable in all other respects and accords with the policies of the Development Plan and the NPPF.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION

The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph II unless within 3 months of being invited to do so the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive - Legal, in which case he shall be authorised to conclude such agreement to secure the following:

- (i) Transfer of the free serviced land identified for affordable housing and playground prior to development commencing on UTT/1359/12/OP.
- (ii) The provision of a public footpath in the position shown on the submitted plans between the affordable housing, the playground and The Green.
- (iii) The provision of vehicular access to the development from the B1383.
- (iv) Pay Council's reasonable costs.

(II) In the event of such an amended agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below.

(III) If the freehold owner shall fail to enter into such an Agreement, the Assistant Director Planning and Building Control shall be authorised to refuse permission for the following reason:

- (a) No provision of affordable housing

CONDITIONS

1. Approval of the details of the landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.
(B) The development hereby permitted shall be begun later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

3. Prior to the erection of the development hereby approved (not including footings and foundations) samples of the 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. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 and ENV1 of the Uttlesford Local Plan (adopted 2005).

4. The details of the landscaping of the site required to be submitted shall include details of both hard and soft landscape works and these works shall be carried out as approved. These details shall include:
 - i. means of enclosure and boundary treatments;
 - ii. hard surfacing materials;
 - iii. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, Street Lighting, etc.);
 - iv. proposed and existing functional services above and below ground (e.g. drainage power),
 - v. communications cables, pipelines etc. indicating lines, manholes, supports.);

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is brought into use and any dwelling is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

6. The plans and particulars submitted in accordance with condition 4 above shall include:
 - (a) a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed;
 - (b) and in relation to every tree identified a schedule listing:
 - i. information as specified in paragraph 4.2.6 of British Standard BS5837 - Trees in Relation to Construction - Recommendations);
 - ii. any proposed pruning, felling or other work;
 - (c) and in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:
 - i. any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see paragraph 5.2.2 of BS5837)
 - ii. all appropriate tree protection measures required before and during the course of development (in accordance with Clause 7 of BS5837)
 - (d) areas of existing landscaping to be protected from construction operations and the method of protection.

REASON: To ensure the protection of trees within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

7. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction - Recommendations has been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - (a) All tree work shall be carried out in accordance with British Standard BS3998 - Recommendations for Tree Work.
 - (b) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within [1-5 years] from [the date of the occupation of the building for its permitted use], other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.
 - (c) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and

species and planted, in accordance with condition (), at such time as may be specified in writing by the local planning authority,.

(d) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.

(e) No equipment, machinery or structure shall be attached to or supported by a retained tree.

(f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

(g) No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

The development shall be carried out in accordance with the approved details.

REASON: To ensure the protection of trees within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

8. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from construction works.

REASON: In the interests of the amenity of surrounding residential premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

9. The dwellings shall achieve Level 4 of the 'Code for Sustainable Homes'. No dwelling shall be occupied until the final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

REASON: In the interests of the promotion of sustainable forms of development and construction and to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy adopted October 2007.

10. The applicant shall incorporate on-site renewable or low-carbon energy technologies to provide 10% of the annual energy needs of the approved development in-use.

The applicant will provide the planning authority with a design SAP or SBEM rating of the proposed development carried out by an accredited assessor before work commences on-site, as well as technical details and estimated annual energy production of the proposed renewable or low carbon technologies to be installed.

Within four weeks following its completion, the applicant will provide a SAP or SBEM rating of the as-built development and details of the renewable or low carbon technologies that were installed.

REASON: In the interests of the promotion of sustainable forms of development and construction and construction to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy Adopted October 2007.

11. Before development of the dwellings commences, details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved in writing by the local planning authority. This should include provision for the storage of three standard sized wheeled bins for each new property with a collection point no further than 25 metres from the public highway. Where the refuse collection vehicle is required to go onto any road that road shall be constructed to take a load of 26 tonnes. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units to which they relate and shall be retained thereafter.

REASON: To meet the requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability, in accordance with Policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005)

12. No development will commence on site nor any site clearance or on- site investigation works shall take place until the scheme of mitigation/enhancement contained at Section 8 and 9 of the Ecological Scoping Survey Report dated November 2011 submitted with the application has been implemented in full or to a stage that is agreed in writing with the local planning authority.

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

13. If the development hereby approved is not commenced within two years of the date of the Ecological Scoping Survey Report dated November 2011, a further wildlife survey of the site shall be carried out to update the information on the species and the impact of development and the survey, together with an amended mitigation strategy as appropriate, shall be submitted to and be approved in writing by the local planning authority and implemented as agreed.

REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

14. Development shall not begin until the detailed design of the access road into the site from the B1383 has been submitted to and approved in writing by the local planning authority. The road will be constructed in accordance with the approved details prior to the commencement of any construction works on the dwellings hereby approved.

REASON; to ensure that an appropriate means of access is provided to the site and to ensure roads/footways are constructed to an appropriate standard in the interests of highways safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).