

UTT/12/6006/OP (Great Chesterford)

(Ward Councillor interest in adjoining land over which vehicular access is sought)

PROPOSAL: Outline application for the erection of 2 No. dwellings with garages and associated vehicular access.

LOCATION: Land rear of Geldards, High Street, Great Chesterford

APPLICANT: Mr & Mrs Gamble

AGENT: KMBC Planning

GRID REFERENCE: TL 511-427

EXPIRY DATE: 6 February 2013.

CASE OFFICER: Mr C Theobald

1.0 NOTATION

1.1 Outside Development Limits / Adjacent to conservation area.

2.0 DESCRIPTION OF SITE

2.1 The application site comprises an enclosed rectangular parcel of garden amenity land set to grass comprising 0.358ha situated to the rear of Geldards, a large detached dwelling which fronts onto High Street within a continuous built up frontage. Geldards is not listed. The site is bordered on its eastern and western sides by additional rear garden land and by an overgrown former allotment site facing onto Rose Lane and on its southern end by a recreational caravan site set mainly to grass. The site is level across its flanks, although slopes very gently towards the rear boundary and contains a couple of mature trees. A 1.5 metre high beech hedge physically separates the site from Geldards along its northern boundary with the exception of walk-through access. The site is not able to be readily viewed from the public highway.

3.0 PROPOSAL

3.1 This application relates to the erection of 2 No. five bedroomed detached dwellings with associated garaging with all matters reserved apart from consideration of means of access. An indicative site layout submitted shows means of vehicular access into the site, intended plot sizes, size and footprint of the proposed dwellings and indicative landscaping treatment. It is stated that the dwellings would be two storey, with a 14 metre dwelling frontage and depth ranging from 7.2 metres to 16.7 metres with ridge heights of 6.5 metres (lower limit) to 10 metres (upper limit) giving a dwelling footprint each of 147sqm. The development as shown would have a stated density of 6 dph.

4.0 APPLICANTS CASE:

4.1 The following case has been made by the appellant:

- The site is located within a sustainable position close to village services and facilities;
- There is a need for the development to take place as UDC only has 3.9 years housing land supply. This represents a significant deficit on the 5 years supply plus the 20% margin which has been identified. As a result, the "*presumption in favour of development*" policy contained in the NPPF should prevail;
- The site cannot be considered rural in character given its location within the residential curtilage of Geldards, which is enclosed by existing dwellings and gardens and also a caravan site;
- Traffic generated from two dwellings would not materially increase traffic movements. Rose Lane traffic has decreased in the last 40 years, with the conversion of pairs of cottages into single dwellings and the relocation of the village hall;
- Recent planning appeals demonstrate saved local plan policies attract little weight by the SoS and Planning Inspectors if LPAs seek to restrict development outside settlement boundaries where there is a conflict with the NPPF and the need to have a readily available 5 year supply of housing land;
- Recent planning permissions granted in the village on adjacent or nearby sites (the allotment site and The Delles) set recent precedents for small scale developments immediately outside development limits for the village.

5.0 RELEVANT SITE HISTORY

- 5.1 None for the application site. However, Members may recall that they resolved at the Development Committee Meeting held on 22 August 2012 to grant outline planning permission in accordance with officer recommendation for the change of use of the adjacent former allotment site to residential use and for the erection of 2 No. two storey dwellings with garaging, additional resident cart lodge parking and associated vehicular access from Rose Lane (UTT/0742/12/OP).
- 5.2 The arguments put forward by the applicant in favour of residential development of that site scheme and the relevant planning issues to consider were similar to the current application under consideration where the officer report for that previous application concluded that:

"The site is located outside development limits and the proposal is therefore contrary to countryside policy under ULP Policy S7 where the application could be refused on this policy basis. However, this policy justification has been weighed against the benefit that the proposed development would have in providing additional housing provision where the site has been identified as being a suitable SHLAA site for future residential use and is located within a sustainable position close to village amenities. On balance, therefore, it is considered by officers that the principle of change of use of this site for two dwellings is acceptable in principle...Additional traffic usage of Rose Lane would be less than the 2004 refused application where no highway objections have been raised and where proposed construction traffic management measures volunteered by the applicant can be conditioned to alleviate construction traffic disruption".

- 5.3 Notwithstanding the above, it should be pointed out that the Council does not have any formal SHLAA registration for the current proposal site under consideration.

6.0 POLICIES

6.1 National Policies

- National Planning Policy Framework.

6.2 Uttlesford Local Plan (adopted 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 ENV4 - Sites of Archaeological Importance
- ULP Policy H1 - Housing Development
- ULP Policy H4 - Backland Development

7.0 PARISH COUNCIL COMMENTS

7.1 Strongly object - see detailed objection letter attached to this report.

8.0 CONSULTATIONS

ECC Highways

8.1 No highway objections.

ECC Archaeology

8.2 Recommendation: Trial trenching and full excavation condition is required in view of the high potential for Roman deposits which survive in this area

9.0 REPRESENTATIONS

9.1 9 received. Notification period expired 3 January 2013. Advertisement expired 10 January 2013. Site Notice expired 18 January 2013.

9.2 Summary of representations received:

- Outside development limits;
- Opportunistic development proposal;
- Extensive consultation on a new LDF was carried out in 2012 when the Parish Council conducted its own consultation with residents. Whilst it was accepted that the village should take some part in meeting the needs of the district, other sites were identified and offered rather than land off Rose Lane;
- The Council has prioritised other areas of land within the village to Rose Lane. We expect these priorities to be reflected when the LDF is finalised;
- The proposal would be of no benefit to the local community;
- Two large executive homes would not address local housing shortfall;
- Approval of the allotment site was considered as an "exception" site and this represents the limit of future building in Rose Lane;
- Unlikely that the proposal if approved would be built concurrently with the adjacent approved allotment site. Disruption to Rose Lane and High Street could extend for years;
- Rose Lane has direct access from Great Chesterford village to the countryside and as such it is a crucial feature of the village's rural character;
- Rose Lane is narrow with cars regularly parked along it thereby reducing it to single width;

- Rose Lane is too narrow for construction traffic. Sign at beginning of lane says "Not suitable for HGV's";
- Four bungalows previously proposed for the adjacent site were rejected on the grounds of Rose Lane not being able to take additional traffic;
- Argument about less traffic being on Rose Lane because the Village Hall is no longer there is facile. The Village Hall was relocated many years ago and was at the bottom of the Lane, so cars did not travel very far up the Lane and many people walked to the hall. The number of cars per household has increased significantly since then;
- Likelihood of physical damage to properties, particularly older dwellings without footings;
- Collisions and vibration damage would occur. Would hold the Council responsible for any such damage if it can be shown that granting planning permission is a contributory factor;
- Previous serious damage to property on Rose Lane occurred during Weldon Gap construction;
- The development if approved would lead to further deterioration of the lane;
- Other recent historical traffic damage issues on this Lane (for example, from Council refuse lorries);
- No public footpath along Rose Lane;
- Construction traffic over several months would be disruptive, inconvenient and dangerous to residents, children and walkers of the public footpath beyond.

9.3 Letter received from applicant's agent dated 23 January 2013 in response to Parish Council objections and third party representations - letter attached to this report:

10.0 APPRAISAL

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

- A Whether the proposed development is acceptable in principle (NPPF and ULP Policies S7, H1 and H4);
- B Whether the shown means of access would be suitable (ULP Policy GEN1);
- C Whether the proposal would have a harmful effect on protected species (ULP Policy GEN7);
- D Other matters: Indicated scale, layout and appearance, parking and landscaping treatment (ULP Policies GEN2 and GEN8).

A Whether the proposed development is acceptable in principle (NPPF and ULP Policies S7 H1 and H4).

10.2 The application site lies immediately outside development limits for the village on its southern fringe and is currently being used as recreational amenity land in association with the domestic enjoyment of Geldards. The site is strictly subject to development constraint under ULP Policy S7 where this specifically states that the countryside (i.e that land which falls beyond development limits) shall be protected for its own sake. This policy also states that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set. However, it is considered that the site by its location, enclosed nature and residential association cannot reasonably be said to possess an open countryside character or appearance and where it is further considered that the physical boundary with open countryside more accurately represents the southern boundary of the adjacent caravan park where this provides a hard edge to the village settlement from arable fields beyond. Given this, it is considered that the proposal would not have a harmful visual effect on the rural

character of the area and would not in this respect be contrary to the countryside protection aims of ULP Policy S7 in this respect.

- 10.3 The applicant makes the case that the site is located within a sustainable position close to village services and that the "*presumption in favour of development*" advice contained in the NPPF should prevail where it is stated that the Council only has 3.9 years housing land supply and where this represents a significant deficit on the 5 years supply (plus the 20% margin). The planning officer report for the 2012 approved outline residential scheme for the adjacent allotment site identified that that site was situated just outside village development limits, but was nonetheless located within a reasonable walking distance of village services just off the High Street and was as such considered to be within a locally sustainable position. It is similarly considered that the current proposal site is within a sustainable position relative to the village centre and would therefore satisfy the sustainable development definition as set out within the NPPF. The Council is required to be mindful of the advice contained within the NPPF where this states that LPAs should grant in favour of sustainable development where a local plan housing supply shortfall exists and where such development does not conflict with other relevant development plan policies and this is therefore a material consideration which carries weight.
- 10.4 It is noted that there is a dispute between the applicant's agent and the Parish Council regarding whether or not the site proposal represents backland development (see attached). Whilst the site would be accessed from the proposed vehicular access which would serve the two approved dwellings on the adjacent allotment site (UTT/0742/12/OP), the site is located behind Geldards and does not have the benefit of a road frontage along Rose Lane. As such, the site does constitute backland development. Notwithstanding this, ULP Policy H4 permits the erection of new dwellings subject to criteria within that policy being met. One of these is that there is significant underuse of the application site and that development would make more effective use of it. It is stated that the site was formerly paddocks, although is currently being used as a rear grassed amenity area as an extension to Geldards and appears to have existed as such for a considerable period of time. Whilst the site through its condition, appearance and current usage does not constitute any visual harm, it is argued that as a landlocked parcel of land it is presently under-used and that its use for residential development as proposed would make more effective use of it, particularly in light of the advice contained within the NPPF as referred to above. In this respect, the proposal would comply with ULP Policy H4. The comments expressed by the Parish Council regarding dwelling density levels are noted. However, whilst it is acknowledged that the proposed density of the development at 6 dph would be low, a higher density level at this location would attract higher vehicle movements along Rose Lane to the site, which is considered unacceptable and which is further discussed below.

B Whether the shown means of access would be suitable (ULP Policy GEN1).

- 10.5 Means of access to the proposal site falls to be considered with this outline application. The access for the proposed development would be via Rose Lane linking with the shared vehicular access shown for the approved scheme for two dwellings at the adjacent allotment site to the immediate west. Rose Lane is a single track lane leading off of the High Street with frontage buildings, some listed, close to the road frontage. The lane carries a weight restriction stating that it is not suitable for HGV's. Representations have been received from the Parish Council and from local residents stating that Rose Lane is not suitable by its restrictive nature to carry additional car borne or construction related traffic and examples have been cited of where physical damage has been caused to existing properties in the past. Similar

representations were made against the previous application for the allotment site (UTT/0742/12/OP).

- 10.6 Essex County Council Highways have been consulted on the current proposal and have responded by saying that they have no highway objections in principle given the de minimis nature of Rose Lane subject to the public footpath beyond not being impeded. However, an informative accompanying their response states that *“Rose Lane is a single track unclassified lane and, if in the future, any further intensification of this access be proposed, it is likely to attract a recommendation of refusal from the highway authority.”* It is relevant to note that ECC Highways did not raise any highway objections to the adjacent allotment site scheme, although it should also be noted that a similar informative was not included with their consultation response for that previous scheme. ECC Highways have subsequently stated that the reason for this was that it was not anticipated at the time the allotment site scheme was considered that a further application for proposed dwellings off Rose Lane for adjacent land would be received and that the current proposal for an additional two dwellings represents the limit in their view to which Rose Lane can reasonably accommodate additional traffic in connection with new "greenfield" development proposals.
- 10.7 Whilst the views of the Parish Council and local residents concerning the further use of Rose Lane are noted, it is considered that it would be difficult for the District Council to object to the current proposal on highway safety and traffic impact grounds under ULP Policy GEN1 in the absence of a specific highways objection.

C Whether the proposal would have a harmful effect on protected species (ULP Policy GEN7).

- 10.8 The site comprises a maintained area of short cut grassland enclosed by trees and hedging containing a couple of mature trees located towards the south-western end. The applicant has submitted information to demonstrate that the proposal is unlikely to have a negative impact on protected species given the semi-domesticated nature of the site where there are no recorded sightings of reptiles on or near to the site. The applicant has also provided details of how existing bio-diversity features for the site could be enhanced by the proposal. It is considered from this that the proposal would comply with ULP Policy GEN7 and Natural England standing advice on protected species in this respect.

D Other matters: Indicated scale, layout and appearance, parking and landscaping treatment (ULP Policies GEN2 and GEN8).

- 10.9 Matters relating to design and landscaping are given as reserved matters for this proposal. However, it is stated that the scale of the proposed dwellings would ensure that the development would be in keeping with adjacent detached properties and that the dwelling ridge heights would not exceed the dwelling ridge heights approved for UTT/0742/12/OP for the adjacent allotment site scheme. It is further stated that the dwelling layout has been informed by the grain of surrounding properties, the need to protect existing trees and the need to link in with the approved vehicular access for UTT/0742/12/OP.
- 10.10 The siting of the dwellings as indicated should ensure that there would be no adverse effect on adjacent neighbouring amenity (including that of the dwellings approved under UTT/0742/12/OP), whilst garden sizes shown for each dwelling would be generous. Parking as shown would be able to meet current and recently revised parking standards. An indicative landscaping layout and schedule has also been

submitted which shows how existing boundary treatment would be enhanced and other soft landscaping features provided to reduce the visual impact of the development within its setting.

11.0 CONCLUSION

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

- The site is located outside development limits where the proposal would be strictly contrary to ULP Policy S7. However, the proposal would not cause wider countryside harm by reason of the site's enclosed nature and semi-residential position behind the High Street frontage.
- The site is considered to be within a sustainable location within walking distance of village services. The Council is unable to currently demonstrate an up to date district housing supply through its local plan where the NPPF advises in such situations that favourable consideration should be given to granting permission for sustainable sites where the proposal would otherwise be compliant with the Development Plan. This advice carries material weight where it is considered on balance by your officers that the principle of residential development at this location is acceptable.
- The use of Rose Lane to provide vehicular access to the proposed development would not give rise to unacceptable levels of traffic usage along this unclassified highway where ECC Highways have not raised any highway objections, although the authority has advised that the proposal would represent the limit to which new residential development could be accessed via this lane given the recent approval for the adjacent allotment site for two dwellings.
- The applicant has submitted information to show that the proposal would not have a harmful effect on protected species.
- Indicative drawings show that the site could adequately accommodate the two dwellings proposed in the form as indicated.

RECOMMENDATION - CONDITIONAL APPROVAL

1. Approval of the details of the layout, scale, appearance and landscaping (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 and as the outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

2. Plans and particulars of the Reserved Matters referred to in condition 1 above relating to layout, scale, appearance and landscaping shall be submitted in writing to the local planning authority and shall be carried out as approved.

REASON: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

3. 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.

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.

4. The development hereby permitted shall be begun not 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.

5. No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work and recording in accordance with a written scheme of investigation which has been submitted in writing by the applicant and approved by the local planning authority. The development shall be carried out in accordance with the approved programme.

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

6. 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 the carriageway and provided with an appropriate dropped kerb crossing of the 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 Uttlesford Local Plan (adopted 2005).