

**UTT/13/0026/FUL (QUENDON & RICKLING)**

**PROPOSAL:** Change of use of a piece of land within the grounds attached to Foxley House to be used for educational purposes.

**LOCATION:** Foxley House, Green Road, Rickling Green

**APPLICANT:** Mrs J Rich

**AGENT:** Donald Insall Associates

**GRID REFERENCE:** TL 512-299

**EXPIRY DATE:** 5 March 2013

**CASE OFFICER:** Consultant (Alison Hutchinson)

**APPLICATION TYPE:** Minor

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**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 0.10ha 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 western boundary of the site abuts the Rickling Primary School.

**3. PROPOSAL**

3.1 The application proposes the change of use of the land for educational purposes and it intended that it will be transferred to the school and would enable the expansion of the school if required or to provide additional playing field.

3.3 The application forms one of three applications at Foxley House which are all before this Planning Committee for consideration. UTT/1359/12/OP proposes 14 market dwellings whilst UTT/13/0027/OP seeks planning permission for 5 affordable houses, a public play area and a new access on land to the south of the current application site. 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, all three proposals, relevant national and local planning policies. Details of pre-application consultations that have been undertaken with the Parish Council and officers are set out and the Design and Access Statement highlights the main changes to the previous 2011 application which was dismissed on appeal. These are;

- 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. (current application)
- A further area will be provided to the Parish Council for affordable housing and a play area. (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 GEN6 - Infrastructure Provision to Support Development  
Policy GEN7 - Nature Conservation  
Policy L3 – Community Facilities

## **7. PARISH COUNCIL COMMENTS**

7.1 No comments have been received in respect of this application but the Parish Council has responded to UTT/1359/12/OP in respect of the 14 houses and its comments are set out in the report for that application. The Parish Council supports the application but its support is conditional upon the provision of the community contribution in lieu of the provision of affordable housing within the development, the gift of land (Plot A) to the school and other land (Plot B) initially to the Parish on which to build affordable houses and a playground, both subject to planning permission.

7.2 The Council has asked that the following conditions be attached in the event that planning permission is granted:

- That the PC is provided at an early stage with a plan showing the dimensions of Plots A and B
- The transfer of ownership takes place within 5 days of detailed planning permission being granted.
- The responsibility for maintenance remains with the current owners during the transition time and that all groundworks, hedging and fencing be the responsibility of the applicant and her successors.

## 8 CONSULTATIONS

### ECC Ecology

- 8.1 The change of use to educational purposes is not likely to have a detrimental impact upon the natural environment. However, the school should take precautionary measures in future management to avoid harming legally protected species and an appropriately worded condition referring to the Ecological Scoping Report should be attached to the planning permission.

## 9 REPRESENTATIONS

- 9.1 1 Representation has been received which states that the reference to educational use is too vague and can mean anything. Considers that clearer parameters should be obtained.

## 10 APPRAISAL

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

**A The principle of development of this site for educational purposes (ULP Policies S7, GEN6 and L3)**

**B Biodiversity (ULP Policy GEN7)**

**A The principle of development of this site for educational purposes (ULP Policies S7, GEN6 and L3)**

- 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. Policy L3 permits community facilities to be located outside settlements provided that the criteria in that policy are met. In this instance, the proposal involves land which is to be provided for educational purposes linked to Rickling Green Church of England Primary School. The land would allow the school to expand if and when required and would enable additional playing fields to be provided. It is not anticipated that the school buildings would be built on the application site but that there would be scope to allow further expansion without loss of play space. The land will therefore be largely open and its provision cannot be met within the defined boundaries of the settlement. The site is particularly well related to the school and it is considered that the application proposal is in accordance with Policies L3 and S7 of the Local Plan.

- 10.2 The current application involves part of a larger area of land which was considered under the SHLAA (Site QUE5) which was considered to be acceptable for development as it would enable community benefits for the village to be brought forward. The application is submitted to accompany UTT/1359/12/OP for 14 dwellings on the adjoining site and will provide some of the infrastructure provision required under Policy GEN6. That application is considered to be unacceptable in its own right without the community benefits provided by the current application and those contained in UTT/13/0027/OP.

- 10.3 The current application proposal for additional educational land is considered to be acceptable in its own right and complies with policy, providing a community facility for

the residents of Rickling Green, irrespective of the other two accompanying planning applications. It is considered that planning permission can be provided on this basis.

## **B Biodiversity (Policy GEN7)**

- 10.4 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 and that a condition to this effect be attached to any planning permission. The proposal would therefore comply with the requirements of ULP Policy GEN7.

## **11.0 CONCLUSION**

The application proposal will provide an extension of land at the primary school in Rickling Green. The application site is located outside the development limits of Rickling Green but it is considered that the use would be in accordance with Policy S7 and L3, as it is one which needs to be there and is appropriate to a rural area. The proposed development is acceptable in all other respects and accords with the policies of the Development Plan and the NPPF.

### **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. 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).