

## UTT/13/0926/OP (BARNSTON)

*(Referred to Committee by Cllr Hicks. Reason: green belt land, outside development limits and access would give grave concerns due to the proximity of a busy traffic junction)*

**ROPOSAL:** Outline application for the erection of 4 no. detached dwellings and garages with all matters reserved except access

**LOCATION:** Land at High Easter Road, Barnston

**APPLICANT:** Mr & Mrs S Smith

**AGENT:** Hilary Lock, HJL Planning

**EXPIRY DATE:** 14 June 2013

**CASE OFFICER:** Miss S Wellard

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### **1. NOTATION**

1.1 Outside Development Limits

### **2. DESCRIPTION OF SITE**

2.1 The site is located on the north western edge of Barnston along High Easter Road. The site covers an area of approximately 0.49ha. It has post and rail fencing along the northeast boundary and mature vegetation along the remaining three boundaries. The field is currently used as a paddock. There is existing access to the field via an access which serves Broadgroves Barn and Little Broadgroves to the northeast of the site.

### **3. PROPOSAL**

3.1 This is an outline application for the erection of four detached dwellings and garages with all matter reserved except for access.

3.2 The existing access would be widened to 5.5m and finished to Essex County Council requirements. Existing planting would be pruned back within the Essex County Council Highway boundary to enable visibility.

3.2 Whilst all other matters are reserved, indicative plans have been submitted which show that the four dwelling would be access via the existing track and grouped around a central gravel driveway. Two dwellings would have 3 bedrooms and two dwellings would have 4 bedrooms. They would have a maximum ridge height of 6.9m and would be single-storey with rooms contained within the roofspace (1½ storey). Illustrative materials would be a mixture of render and painted weatherboard over a brick plinth with slate and clay plain tiled roofs. Each property would have its own car parking spaces and garaging. Additional landscaping would be provided to all boundaries and a pond would be provided within the site.

### **4. APPLICANT'S CASE**

4.1 Design and Access and Heritage Statement, dated February 2013. Gives details of the context, opportunities and constraints of the site and indicative details with regards to

layout, scale and appearance and landscaping. Provides details of the proposed access. Considers the impact on the heritage of the area, particularly the listed dwelling and outbuildings adjacent to the site.

- 4.2 Planning Statement, dated February 2013 – Provides details of the planning history of the site and other developments for new housing located outside of development limits. Provides an argument in consideration of national and local planning policy and discusses the sustainability of the site. Provides an appendix containing bus timetables.
- 4.3 Highway and Transportation Review by Intermodal Transportation, dated 6 April 2013 – The cutting back of the leylandi hedge in front of Broadgroves Farm which clearly encroaches on highway land and widening of the access would be sufficient to serve the development. The junction can be designed to deliver design standards to satisfy the policy test. The impact of the generated traffic on the local road system would be de minimus and do not consider the need for any off site highway improvements. Recommends a short section of footway extending around 5m south from the access should be provided to allow residents to marshal and cross High Easter Road and access the footway system on the west side of the road.
- 4.4 Phase 1 Survey: Habitat Survey & Protected Species Assessment, by Anglian Ecology, dated November 2012 – Given the scale of the proposed works, the impact of this development on protected spaces would be negligible. No further surveys are required however mitigation measures are proposed.

## **5. RELEVANT SITE HISTORY**

- 5.1 UTT/1810/04/OP - Outline application for erection of 5 detached dwellings. Refused for the following reason;  
*'The proposal would result in the erection of 5 detached dwellings that would be unrelated to agriculture or forestry and would introduce an urban, and therefore detrimental, quality which would fail to protect or enhance the open and rural character of the countryside contrary to ERSP Policy C5, ADP Policy S2 and ULP Policy S7'.*
- 5.2 UTT/0082/79 - Change of use of former agricultural buildings yard and field to use as riding establishment. Approved with conditions

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework (2012)

### **6.2 Uttlesford District Local Plan 2005**

- Policy S7 – The Countryside
  - Policy GEN2 – Design
  - Policy GEN1 – Access
  - Policy GEN8 – Vehicle Parking Standards
  - Policy GEN7 – Nature Conservation
  - Policy ENV2 – Development affecting listed buildings
  - Policy H10 – Housing Mix
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- SPD Lifetimes Homes

## **7. PARISH COUNCIL COMMENTS**

7.1 This application should be refused. Many objections have been made and the Parish Council is fully supportive of the concerns that have been raised.

7.2 The proposed development is outside of the area for development in the local plan and of particular concern to the Parish Council is that the building of these houses would create infill between Great Dunmow and Barnston. This is in contravention of the current policy of maintaining clear delineation between two communities. Should the application go ahead there is likelihood that it will create a precedent leading to other applications along High Easter Road.

7.3 Other concerns raised in respect of the application were:

- The size and nature of dwellings proposed will result in higher car ownership than suggested. Add visitors into this equation and it is probable that parking will be insufficient resulting in overflow car parking elsewhere.
- The proposed design is not in keeping with High Easter Road or the village as a whole. The proposed application will be detrimental to Barnston.
- This proposal would lead to the loss of valuable Green Belt.
- The suggested number of vehicle movements suggested in the documents is absurdly small. The true figure would be significantly higher.
- The access from the site to High Easter Road is close to the junction and on a narrow part of the road. The access as proposed is dangerous.
- Existing traffic on the High Easter Road comprises resident's cars plus school busses, coaches from Lodges at High Easter, workers cars and commercial vehicles visiting the industrial estate and heavy farm traffic and farm equipment from Borehams. The result of this traffic and the narrowness of the carriageway at the access point is a hazard that speaks for itself.
- There is a great emphasis on the local bus timetable in the documents. Is it reasonable to consider that the residents of such a development would be regular users of the bus service?
- There is no pavement on that side of the road nor is there room to provide safe pedestrian access.
- Traffic speeds along the High Easter Road are too high to permit safe access and egress from the site even if there was sufficient width to make it practicable.

7.4 The Parish Council concludes that High Easter Road cannot sustain development of this nature and as with the previous applications to develop this location, we urge you to refuse it.

## **8. CONSULTATIONS**

### **Anglian Water**

8.1 No comment

### **ECC Highways Authority**

8.2 The Highway Authority would not wish to raise an objection to the above application as shown in principle on Drawing No. 03 dated March 2013 subject to the imposition of conditions. This authority is aware that the restricted visibility to the north of the proposed access is due to the encroachment of the hedge fronting Broadgroves and

this issue will be pursued by Essex Highways. It is considered that once the hedge has been cut back, adequate visibility can be achieved for this proposal.

### **ECC Ecology**

- 8.3 No Objection subject to the imposition of appropriately worded conditions to address Biodiversity Mitigation, Protection of breeding birds, and update of survey before commencement of development.

## **9. REPRESENTATIONS**

- 9.1 Site notice displayed and the occupiers of 15 neighbouring properties notified via letter. 13 letters of objection received which are summarised as follows;

- Outside of development limits constituting inappropriate development of green belt
- Constitutes infilling between Dunmow and Barnston
- Very prominent within countryside and from wider views
- The development would have an urbanising effect which would be significantly detrimental to the existing landscape character
- Development will not enhance the character of the village at all
- Set precedent for further development
- The position has not changed since UTT/1810/04/OP was refused
- There are already major housing plans in place in Dunmow
- Concern over safety of pond from children, flood risk and health hazard
- Habitat survey general and inadequate. Local wildlife use is more significant than stated in the survey
- Loss of trees and hedgerows
- B1008 is a very busy and narrow road. Development will increase chance of accidents.
- Additional traffic at the junction will exacerbate already hazardous conditions.
- Already difficult to use the existing access
- Conifer hedge not in control of applicant and therefore access is not suitable for additional traffic. Destruction of the hedge which protects Broadgroves Farmhouse is an odds with protecting the environment
- The transport assessment does not take into account of heavy use of High Easter Road by several local businesses. It is inaccurate and misleading
- Visitors would cause problems on site and cause overflow parking on High Easter Road
- Car use will increase pollution in the immediate vicinity
- No pedestrian footpath adjacent to the site
- The footpath to High Easter Road is already being damaged by traffic mounting the verge and parking generally
- Not a sustainable site and development would necessitate the use of private car. No services or facilities in Barnston
- Bus service times and frequency have been reduced and is unreliable
- Schools already at capacity
- The development offers no social, economic, environmental or aesthetic benefits to the community
- Adverse impact on outlook of neighbouring residential properties
- Plots 1 and 2 and the access appear to have direct views of Broadgroves Farmhouse.
- Barnston is not a densely developed village. High Easter Road comprises individually designed houses with larger than average gardens and adequate parking
- Where would the bins be located on collection days

- Construction will cause noise, dust and pollution and vibration.

## 10. APPRAISAL

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

- A The principle of the development of this site (ULP Policy S7, NPPF);
- B Access to the site (ULP Policy GEN1);
- C Vehicle Parking Standards (ULP Policy GEN8 and ECC Parking Standards);
- D Design (ULP Policy GEN2 & SPD Accessible Homes and Playspace);
- E Impact on adjacent listed building (ULP Policy ENV2);
- F Nature Conservation (ULP Policy GEN7)

### A The principle of the development of this site

- 10.1 The site is located on the edge of (outside) the development limits of the village of Barnston. As such the site is located within the open countryside whereby Policy S7 of the Local Plan states 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. There will be strict control on new building. 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 or there are special reasons why the development in the form proposed needs to be there.
- 10.2 Whilst there is a strong local policy objection against development in the countryside, the Council is currently unable to demonstrate a five year land supply of deliverable sites for residential development. In such circumstances the NPPF specifies that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites".
- 10.3 Paragraph 14 of the NPPF states;  
*'Where the development plan is absent, silent or relevant policies are out of date (permission should be granted) unless;*  
 - *Any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in this Framework taken as a whole,*  
*or*  
 - *Specific policies in this Framework indicate development should be restricted.'*
- 10.4 This is a clear statement from the Government that a development making a contribution to achieving a five year land supply of housing should be considered as a significant material consideration in the determination of any application and that local planning authorities should look favourably on applications that increase supply.
- 10.5 In recent decisions on appeals across the district, inspectors are considering the lack of five year land supply as a key issue which weighs strongly in favour of granting consent.
- 10.6 The NPPF encourages sustainable development. The site does not appear to have any particular physical impediments which would prevent residential use.
- 10.7 The proposed site is located on the edge of the village, just outside of the development limits. The village of Barnston does not itself provide any services or facilities by way of a local shop or post office. It does have a restaurant, church and

village hall all of which are in walking distance of the site. Barnston is located some 2km from the centre of the town of Great Dunmow which offers an array of facilities including schools, dental and GP services, and retail and leisure facilities. Barnston is served by access to public transport in the form of a regular bus service which links the village to Dunmow and Chelmsford. Given its location close to the edge of Dunmow and the bus service that is provided, it is considered that in this instance, particularly in comparison to the rest of the District, Barnston has a relatively sustainable location. It would be unrealistic to presume that use of the bus service would replace all private car use, however trips for everyday purposes would be short due to the close proximity of the site to Dunmow.

- 10.8 In terms of environmental sustainability, it is acknowledged that development on any greenfield site would have an impact on the landscape character of the area. Paragraph 17 of the NPPF requires that planning decisions should recognise the intrinsic character of the countryside.
- 10.9 This site is used as a paddock. It has a mature vegetation screen around its perimeter which would be retained and enhanced if development were to be permitted. The site is located on the edge of the settlement limits and when viewed across the landscape to the northwest, is partly screened by the existing vegetation but is also read alongside the existing houses of Broadgroves Barn, Little Broadgroves and the dwellings along the southeast side of High Easter Road. Limited housing development as indicated of approximately 7m in height (1½ storey) would be situated with existing housing as a backdrop and therefore in this particular circumstance, it is considered that its impact on the rural character of this particular location would not be so great as to recommend refusal of the application. Such development could be provided relatively unobtrusively. It is not considered that the impact on the character of the countryside in this instance would outweigh the need to provide additional housing, which is a strong material consideration.
- 10.10 In conclusion, the requirement for the Council to identify additional appropriate sites for housing within the district to meet its current housing shortfall is a significant material factor which weighs heavily in favour of development at this site. The site is considered to have a relatively sustainable location and the impact on the character of the landscape would not be so great as to inhibit the development on this site.

## **B Access to the site**

- 10.11 Access is a matter to be considered as part of this outline application. The development would utilise an existing access from High Easter Road which currently provides access to the field as well as Broadgroves Barn and Little Broadgroves. The access would be widened to 5.5m. A Highway and Transportation review has been undertaken as part of the application which outlines the current situation of the highways in the vicinity of the site and that adequate visibility splays could be achieved to serve the new dwellings and as such there would be no capacity safety issues which entering or leaving the site.
- 10.12 Essex County Council Highways Authority do not raise any objection to the development subject to the imposition of highways conditions. ECC is aware that the restricted visibility to the north of the proposed access is due to the encroachment of the hedge fronting Broadgroves onto Highway land. This issue will be pursued by Essex Highways whereby the owner will be contacted and asked to cut back the hedge and if this does not happen then Essex Highways will carry out the work. A map showing the extent of the highway boundary has been provided by the

applicant. ECC considers that once the hedge has been cut back, adequate visibility can be achieved for this proposal.

- 10.13 Access to Broadgroves Barn and Little Broadgroves would not be adversely affected. Indeed the improved access to High Easter Road would be beneficial to these properties.

### **C Vehicle parking standards**

- 10.14 Whilst layout is a reserved matter, the indicative drawings demonstrate that there is ample space within the site for the parking of vehicles off road. Locally Adopted Parking Standards require that dwellings of up to 3 bedrooms should have provision for the parking of two vehicles off road and dwellings of 4+ bedrooms should have provision for the parking of three vehicles off road. This provision is indicated on the plans and there is ample space within the site for additional visitor parking.

### **D Design**

- 10.15 Appearance, scale and layout are reserved matters. Indicative plans have been provided which show 4 dwellings, 2x 3bedroom and 2x 4 bedroom. They would have a maximum height of 6.9m .
- 10.16 This number of dwellings could easily be accommodated within the site. The proposal accords with Policy H10 which requires developments on sites of 0.1 hectares and above or 3+ dwellings to include a significant proportion of market housing comprising small properties of 2 or 3 bedrooms. Two of the four properties fall within this requirement (50%). The scheme has addressed this policy whilst providing development that would not be overly intrusive in the wider area.
- 10.17 Each plot has more than adequate private amenity space to accord with the requirements of the Essex Design Guide.
- 10.18 Landscaping is another reserved matter however it is proposed to retain existing boundary treatment and strengthen it. A pond is proposed to the front of the site. Whilst this element has attracted concern from the local residents, it is considered that such a feature would enhance the appearance of the development.
- 10.19 The site is separated by the neighbouring properties to the northeast by a mature conifer hedge which completely screens Broadgroves Farmhouse from view. The site of Plot 4 would be located some 40m from the nearest property Little Broadgroves. Plots 1 and 2 would be some 50m from the northeastern boundary of the site. Whilst the plans are indicative only, the site could be designed to ensure there is no adverse impact on the amenities of any neighbouring residential properties by way of causing any loss of privacy or by being unduly overbearing or causing any loss of light. Some neighbours have objected to a loss of outlook, however impact on their view is not a material planning consideration.

### **E Impact on adjacent listed building**

- 10.20 Broadgroves Farmhouse is a Grade II listed building. As stated above, it is well separate from the site by mature hedging. The site forms a separate parcel of land is read completely separately from the adjacent properties. For these reasons, as well as the proposed location and scales of the new dwellings, the proposal would not have any adverse impact on the setting of the adjacent listed building in this instance.

## **F Nature Conservation**

- 10.21 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.
- 10.22 In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.” This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. Recent case law has established that local planning authorities have a requirement to consider whether the development proposals would be likely to offend Article 12(1), by say causing the disturbance of a species with which that Article is concerned, it must consider the likelihood of a licence being granted.
- 10.23 The tests for granting a licence are required to apply the 3 tests set out in Regulation 53 of the Habitats Regulations 2010. These tests are:
- The consented operation must be for “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”; and
  - There must be “no satisfactory alternative”; and
  - The action authorised “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.
- 10.24 A Phase I Survey: Habitat Survey & Protected Species Assessment, by Anglian Ecology, dated November 2012 has been submitted with the application. This survey summarises that given the scale of the proposed works, the impact of this development on protected spaces would be negligible. No further surveys are required however mitigation measures are proposed.
- 10.25 Essex County Council Ecologists have no objection to the proposal however have made comments to address Biodiversity Mitigation, Protection of breeding birds, and the update of surveys.
- 10.26 The site has significant potential to support legally protected and priority species, including breeding birds, bats, reptiles and hedgehog. Parts of the boundary hedgerows are a Priority habitat under section 41 of the Nerc Act 2006. Therefore a condition is required with regards to the submission of a biodiversity mitigation plan.
- 10.27 The proposals include scrub removal. There is evidence of nesting birds on site. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Therefore a condition should be imposed to ensure the protection of breeding birds.



## 11. CONCLUSION

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

- A The lack of five year land supply of housing in the district is a significant material consideration. The site is considered to be in a relatively sustainable location and the proposed development would not have such an adverse impact on the character of the landscape that overcomes the need for housing provision.
- B The access and parking provision are acceptable.
- C The proposal can be designed to have no adverse impact on the amenity of any neighbouring residential property.
- D There would be no adverse impact on the setting of the adjacent listed building.
- E With the imposition of conditions, no protected species would be affected by the development.

### RECOMMENDATION – CONDITIONAL APPROVAL

1. Approval of the details of the layout, scale, 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 not 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.
3. 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 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) and the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.
4. No development shall take place until a Biodiversity Mitigation Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include provision for habitat protection, creation and management during the course of the development and in accordance with the general principles outlined in the Phase 1 Survey (dated November 2012) and shall include:
  - Aims and objectives of mitigation;
  - Extent and location of proposed works;

- A Construction Method Statement incorporating the requirements in section 7 of the Phase 1 Survey (dated November 2012);
- A description and evaluation of the features to be managed, including but not restricted to the boundary hedgerows, mature trees, wet ditch and new planting;
- Sources of habitat materials;
- Timing of the works;
- Selection of specific techniques and practices for preparing the site and/or creating/establishing vegetation including the specific native species that will be used for hedgerow-infilling and tree-planting;
- Details of the location, height, design and luminance of all fixed lighting for both construction and occupation phases of the development to minimise impacts on foraging and commuting bats;
- Prescriptions for management actions;
- Detailed descriptions of biodiversity enhancement measures that will be taken on-site.

The development hereby permitted shall be implemented in accordance with the approved plan.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity in accordance with Uttlesford Local Plan (2005) Policy GEN7.

5. No construction or site clearance shall be carried out on site between the 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority. If such permission is given for scrub or tree removal between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, a detailed hand-search of the affected area must be carried out by a suitably qualified ecologist at least 48 hours prior to work commencing. If any nests are found, a 10m buffer zone must be established around each nest and works must be halted in this zone until all chicks have fledged.  
REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity in accordance with Uttlesford Local Plan (2005) Policy GEN7.