

UTT/13/0956/FUL (Clavering)

(Referred to Committee by Cllr Oliver. Reason: Impact of development on the conservation area, site overdevelopment, parking issues, flooding issues)

PROPOSAL: Demolition of existing bungalow and erection of three detached dwellings with associated garages

LOCATION: Oaklands, Middle Street, Clavering

APPLICANT: Mr M Shaw

AGENT: Lucy Carpenter

GRID REFERENCE: TL 231 924

EXPIRY DATE: 17 June 2013

CASE OFFICER: Mr C Theobald

1. NOTATION

1.1 Within Development Limits / Part within Conservation Area / Protected Lane / Adjacent Listed Buildings.

2. DESCRIPTION OF SITE

2.1 The application site comprises a 0.125 hectare parcel of land of roughly rectangular appearance situated along the southern side of Middle Street where it stands above a stream (River Stort) that runs parallel with the lane on this northern fringe of the village settlement. The site comprises two distinct parts. The eastern side of the site currently forms the curtilage to "Oaklands", a 1960s constructed bungalow set back into the site close to the rear boundary access via a bridge over the stream, whilst the western side of the site is currently set to mown grass. A hedge divides the two parts of the site from front to rear, whilst the site frontage along the stream is also hedged, albeit broken in places. A more domesticated hedgeline runs along the rear site boundary. The site is relatively flat, whilst a large tree stands very close to the north-west corner of the site on adjacent land.

2.2 The site is bordered to the east by the rear gardens of properties fronting onto Stortford Road and to the west by Brook Cottage. The character of Middle Street is very marked, with the historic part to the west, which is included within the village conservation area, and more modern housing to the east.

3. PROPOSAL

3.1 This detailed application relates to the demolition of the existing bungalow on the site and the erection of 3 No. four bedroomed detached dwellings with garaging and front parking areas where vehicular access would be gained via the existing bridge crossing point. The dwellings would be 1½ storey in height with a mixture of pitched and hipped roofs incorporating roof dormers and a varied use of external materials where the roofs would be plain clay tiled and the walls a mixture of colour washed render and cream weatherboarding with brick plinths. Joinery would be of painted softwood timber.

- 3.2 The dwellings would be positioned in a line across the site, where the dwelling for Plot 1 would have a detached garage, car port and additional parking space, the dwelling for Plot 2 would have an attached garage and two parking spaces, whilst the dwelling for Plot 3 (replacement dwelling) would have a detached garage and two parking spaces. A visitor space is also shown to be provided for each plot. Rear garden amenity areas for the dwellings would all exceed the minimum 100sqm design guide standard.

4. APPLICANT'S CASE

- 4.1 The application is accompanied by the following documents:

- Planning Supporting Statement
- Design and Access Statement
- Flood Risk Assessment (revised May 2013)
- Tree Survey
- Arboricultural Implications Assessment

- 4.2 The Planning Supporting Statement and Design and Access Statement describe the site and its surroundings and justification for the proposed development. The following justification summary is taken from the statement conclusions:

- The site falls within Village Development Limits
- The site is underused
- Provision is made for site development in planning policy and for the best use to be made of the site subject to the environmental characteristics of the area being respected
- The development proposed is low density, although is appropriate to the site bearing in mind its context and character
- Adequate car parking and garden areas can be provided to exceed the Council's standards for the proposed dwellings
- The site is accessible to village amenities and public transport
- The open frontage and its vegetation adjacent to the river will remain and be supplemented, protecting the contribution this important feature makes to the character of the Conservation Area (CA) and the Protected Lane
- The design, scale, detailing and materials of the proposed dwellings is appropriate and would enhance the high environmental character of the CA
- The scheme would not adversely affect the amenity of neighbouring properties
- It is demonstrated in the Flood Risk Assessment (FRA) that there is no risk to flooding
- A mix of house types, including smaller units, is not required for this site as the relevant local policy applies to three or more dwellings
- Whilst this proposal is for three dwellings, one is a replacement. Family dwellings are considered most appropriate bearing in mind the character of the area and the inclusion of the site in part in the Conservation Area
- The proposal is therefore acceptable, complying with national and saved local planning policies.

5. RELEVANT SITE HISTORY

- 5.1 New workers bungalow approved in 1969 (Dancys Bungalow - now known as Oaklands). Outline approval granted in 1987 for detached dwelling and garage on land to the side of Oaklands - permission not implemented. The officer report for that subsequent application stated that the use of the land for a dwelling was acceptable in principle subject to design. It is noted that the Parish Council raised concerns

regarding the bridge access across the stream, which it stated can cause flooding in Lower Road. Matter referred to Anglian Water.

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

ULP Policy S3	Other Settlement Boundaries
ULP Policy H3	Infilling with new houses
ULP Policy ENV1	Design of development within Conservation Areas
ULP Policy ENV3	Open Spaces and Trees
ULP Policy GEN1	Access
ULP Policy GEN2	Design
ULP Policy GEN3	Flood Protection
ULP Policy GEN7	Nature Conservation
ULP Policy GEN8	Vehicle Parking Standards

Clavering Conservation Area Appraisal and Management proposal 2007.

7. PARISH COUNCIL COMMENTS

7.1 Strongly object:

- The flood risk information is incorrect and other inconsistencies and inaccuracies have been identified in the application documents;
- Photographic evidence is provided by the Parish Council to the District Council in dispute of the applicant's claim that there is no risk to flooding;
- The proposal does not satisfy saved Local Plan policies:
 1. Contrary to Policy GEN1 Access - the proposed bridge access would be insufficient to serve the three dwellings and at times of flood there would be no access.
 2. Contrary to Policy ENV1 Conservation Areas - the proposed development would detract from the character and appearance of the conservation area setting.
 3. Contrary to Policy GEN3 Flood Protection - there is no exceptional need for more dwellings to be constructed in this location.
- Harm to the historic area of Middle Street would outweigh the benefit of providing three dwellings at this location and the proposal does not therefore represent sustainable development.

8. CONSULTATIONS

Environment Agency:

- 8.1 Further to our recent objection to the above planning application, we have received an amended flood risk assessment (FRA) prepared by Michael Thomas Consultancy LLP dated May 2013, ref:1195/11 - FRA Rev A. We have reviewed this FRA and would advise the Council that we agree the assessment of flood risk and note the proposal to set the finished floor level at a minimum of 85.43 metres AOD. This level represents 460mm above the modelled 1 in 100 year flood level of 84.97 metres AOD. We also note that dry pedestrian access to the development would be possible in an emergency during an extreme event up to and including a 1 in 1000 year flood event.

We are able to withdraw our objection subject to the condition set out below being appended to any planning permission granted.

Condition

The development shall be constructed with a minimum finished floor level of 85.43m AOD.

REASON: To ensure that the development remains dry in the event of flooding for the adequate protection of the occupants.

Given the close proximity of the development proposal to Flood Zones 2 and 3, we also recommend that the following condition be appended to any planning permission granted.

Condition

Prior to the commencement of development, a scheme for the provision and implementation of flood proofing measures shall be submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall be completed before the development is first occupied and constructed in accordance with the approved plans and in line with the publication '*Improving the flood performance of new buildings: flood resilient construction*' CLG (2007).

REASON: To minimise the damage to the development in the event of flooding and enable a faster recovery once floodwaters have subsided.

Thames Water:

8.2 *Waste Comments:*

There are public sewers crossing or close to the proposed development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

8.3 *Surface Water Drainage:*

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. REASON - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

8.4 *Water Comments*

With regard to water supply, this comes within the area covered by the Affinity Water Company.

Essex County Council:

- 8.5 (This recommendation supersedes the previous advice dated 3 June 2013). The Highway Authority would not wish to raise an objection to the above application as shown in principle on revised drawing WS10 subject to highway conditions. It is noted from the revised parking layout that although the parking spaces and garages have been increased in size, they are not to the preferred sizes as stated in the current Parking Standards Design and Good Practice September 2009 and no exceptional circumstances have been put forward.

Specialist Advice on Design and Conservation:

- 8.6 The dwellings shown are reasonably vernacular in design and appearance where a good use of traditional materials has been specified. Whilst some elements of the design could be better articulated for the elevations, it is considered overall that the dwellings as proposed would be appropriate for this location partly within the village conservation area where it is also considered that the harm to the listed building (The Wheelhouse) would not be significant. No design objections are raised on this basis.

Landscape Officer:

- 8.7 The tree survey submitted with the application shows that a mature Ash exists very close to the north-west corner of the site. Any grant of planning permission should contain a "no-dig" condition relating to the proposed parking space and adjacent carport shown for Plot 1 to protect the roots of this tree and also the standard tree protection condition. The rear site boundary comprises a laurel hedge with beech to the side, whilst the dividing hedge is of privet. The site frontage hedge is rather gappy in parts and should be filled with appropriately specified infill hedging in accordance with a landscaping condition.

Access and Equalities Officer

- 8.8 The drawings submitted meet the standard as set out in the Supplementary Planning Document Accessible Homes and Playspace. No irregularities.

9. REPRESENTATIONS

- 9.1 15 objections received. Notification period expired 14 May 2013. Advertisement expired 23 May 2013. Site Notice expired 21 May 2013.

Summary of representations:

- 9.2 Increased flooding potential by surface water run-off, inappropriate development within a conservation area, overdevelopment, density too high, adverse impact on adjacent listed building (The Wheelhouse), protected lane, traffic issues, how would emergency vehicles and delivery vehicles access land, 2 storey dwellings not appropriate at this occasion - should be single storey, loss of amenity to adjacent dwellings, frontage riverbank unsafe, parking and turning area shown inadequate, should have affordable housing, dwellings would appear dominant on this elevated site, loss of frontage habitat.

10. APPRAISAL

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

- A Principle of development, including flood risk (NPPF and ULP Policies S3, H3 and GEN3)

- B Design / effect on the character and appearance of the Conservation Area (ULP Policies GEN2, ENV1 and ENV3);
- C Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8);
- D Impact on neighbouring residential amenity (ULP Policy GEN2);
- E Impact on protected species (ULP Policy GEN7).

A Principle of development, including assessment of flood risk (NPPF and ULP Policies S3, H3 and GEN3);

- 10.1 The site is located within development limits for Clavering where there is a presumption in favour of development. This is echoed within ULP Policy S3 of the local plan, which provides for development within the boundaries of settlements subject to it being compatible with the settlement's character and countryside setting. The application site includes an area of land that is currently occupied by a dwelling and an open area of ground that is former garden land which is currently open land.
- 10.2 The development proposed would therefore make good re-use of the land within development limits where one of the dwellings would represent a replacement, whilst not causing material harm to the character of the area. The site is located within one of the most well serviced villages within the district where it possesses a range of shops, services and facilities and it is considered in this respect that the release of this site for additional housing would be appropriate in this context.
- 10.3 The site is situated within close proximity to the stream which comprises the River Stort, which is designated as Flood Zone 2/3. A Flood Risk Assessment (FRA) has been submitted by the applicant, which has been assessed by the Environment Agency, who placed an objection to the applicant's original FRA submission on the basis that the FRA pre-dated the adoption of the NPPF where all references were made to the now superseded PPS25 and as the FRA originally appeared to only reflect the introduction of a single dwelling on the site rather than three as proposed. The applicant has since submitted a revised FRA, which has been considered by the Environment Agency, who have now withdrawn their objection (response dated 24 May 2103) where it is stated that;

"We have reviewed this FRA and would advise the Council that we agree the assessment of flood risk and note the proposal to set the finished floor level at a minimum of 85.43 metres AOD. This level represents 460mm above the modelled 1 in 100 year flood level of 84.97 metres AOD. We also note that dry pedestrian access to the development would be possible in an emergency during an extreme event up to and including a 1 in 1000 year flood event. We are able to withdraw our objection subject to the condition set out below being appended to any planning permission granted". (see above for recommended conditions).

- 10.4 Given the updated advice received from the Environment Agency in response to the revised FRA in terms of potential flood risk, it is considered that it is not reasonable in the circumstances for Officers to object to the proposal on flood risk grounds under ULP Policy GEN3 (Flood Protection) where this cannot be substantiated, despite the number of third party representations received which make reference to this matter. It is understood that one of the concerns is that any surface water run-off from the site would enter into the River Stort and therefore compound flooding further down stream in times of heavy rain where it is asserted that the existing bridge from the lane into the site acts as a barrier. It would therefore be necessary for a condition to be imposed controlling any surface water run-off from the site to prevent this situation from occurring where this should take the form of porous driveways, garden soakaways and slit channels.

B Design / effect on the character and appearance of the Conservation Area (ULP Policies GEN2, ENV1 and ENV3);

- 10.5 ULP Policy GEN2 require that development be compatible with the scale, form, layout, appearance and materials of surrounding buildings, whilst ENV1 states that development shall be compatible with the character and appearance of the conservation area. ULP Policy ENV3 states that the loss of traditional open spaces and other visually important spaces, groups of trees and fine individual specimens though development proposals will not be permitted unless the need for the development outweighs their amenity value.
- 10.6 The surrounding area includes an eclectic mix of house styles, scales, ages and materials of varying quality where the application site represents a transition site between the high environmental quality of the conservation area to the west and the modern, less attractive housing from the existing bungalow on the site, Oaklands, eastwards where this bungalow has no intrinsic quality and where no objections are raised to its demolition and replacement.
- 10.7 The Clavering Conservation Area appraisal makes reference to this part of Clavering, although does not specifically make reference to this part of Middle Street. In terms of design, the proposed dwellings would respect the character and appearance of the conservation area. Whilst the separating distance between Plots 1 and 2 of the site would be only 2 metres, it is considered overall that the dwellings would not look overly cramped on the site where the restriction to 1½ storeys would help to reduce their impact at this frontage location.
- 10.8 The application site is an open space of segregated former garden land on the frontage and an existing bungalow. The additional two dwellings would fill this space, although it is considered that the amenity value of the space is such that it does not warrant its retention where the frontage hedge would be retained and the mature Ash situated adjacent to the north-west front corner of the site would be retained.

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

- 10.9 Vehicular access to the three dwellings would be via the existing bridged access to Oaklands off Middle Street, which is a Class 3 road. ECC Highways have assessed the suitability of the access for intensified use along this stretch of the road and have not raised any objections to the proposal on highway grounds where the site access has reasonably good visibility in both directions long the lane.
- 10.10 Parking for the site would be through a mix of garaging, car port and hardstanding spaces. The parking provision shown for each plot would exceed the adopted and enhanced parking ratio of 3 No. spaces per for a four bed roomed dwelling, although some of the spaces would be slightly undersized. However, given this provision, ECC Highways have removed their earlier objection where the parking layout is now considered satisfactory,

D Impact on neighbouring residential amenity (ULP Policy GEN2);

- 10.11 ULP Policy GEN2 requires that developments do not materially affect the reasonable occupation and enjoyment of a residential property as a result of loss of privacy, loss of daylight overbearing impact or overlooking. Plot 1 is adjacent to Brook Cottage situated to the immediate west, although the dwelling has been set sufficiently away from that adjacent dwelling so as to not cause any overbearing effect. Two small rooflights would be positioned in the hipped end facing this property, although these would be set at high level and would be non-opening where the hipped end would

move away from the boundary. Plots 1 and 2 would have relatively deep gardens with remote garden land situated to the rear where these would not result in loss of privacy to the rear. Plot 1 (replacement dwelling) would have principal windows at first floor level on the rear elevation, although there would be a separation distance of 26 metres from the dwelling to the dwelling situated to the rear where it is considered that this distance would be sufficient to avoid material overlooking/loss of privacy to this neighbouring property. As such, it is considered that the proposal would not lead to a significant loss of neighbouring residential amenity.

E Impact on protected species (ULP Policy GEN7)

10.12 The site comprises a solid built 1960s bungalow and a side mown grassed area with boundary hedging. The site is elevated above the river bank where this would be retained as part of the proposal. Standing advice from Natural England shows that the site characteristics and condition of the site itself are unlikely to be attractive to protected species where site landscaping and bio-diversity enhancement would be provided as part of the proposal, including along the site frontage/river bank where this could be attractive to protected species, but which would be undisturbed. It is considered from this that the impact of the site upon existing bio-diversity would be minimal.

11 CONCLUSION

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

- A The application site is situated within development limits where there is a presumption in favour of development and where the proposal would not represent a risk to flooding subject to identified flood prevention measures being undertaken;
- B The proposal would have an acceptable design and layout and would not be detrimental to the character and appearance of the conservation area at this end of the village;
- C Vehicular access and parking arrangements are considered satisfactory.
- D The proposal would not have a detrimental impact upon residential amenity
- E The proposal would not have a harmful impact upon protected species.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions

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. Prior to commencement of development 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 ULP Policies GEN2 and ENV1 of the Uttlesford Local Plan (adopted 2005).

3. Before development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) means of enclosure along all site boundaries
- b) hard surfacing, other hard landscape features and materials
- c) existing trees, hedges or other soft features to be retained
- d) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- e) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife

- f) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- g) location of service runs
- h) management and maintenance details

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).

4. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, 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 ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with ULP Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

5. The erection of fencing for the protection of the Ash tree located at the north-west corner of the site shall be undertaken in accordance with details approved in writing by the local planning authority before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: In the interests of tree protection and visual amenity in accordance with ULP Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

6. A "no-dig" construction policy shall be deployed for the site layout in the north-west corner of the site in the immediate vicinity of the Ash tree to be retained

REASON: In the interests of tree protection and visual amenity in accordance with ULP Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

7. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access to the dwellings hereby approved becoming operational and shall be retained at all times.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety and to reduce the incidence of flooding in accordance with ULP Policies GEN1 and GEN3 of the Uttlesford Local Plan (adopted 2005).

8. The development shall be constructed with a minimum finished floor level of 85.43m AOD.

REASON: To ensure that the development remains dry in the event of flooding for the adequate protection of the occupants in accordance with ULP Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

9. Prior to the commencement of development, a scheme for the provision and implementation of flood proofing measures shall be submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall be completed before the development is first occupied and constructed in accordance with the approved plans and in line with the publication *'Improving the flood performance of new buildings: flood resilient construction'* CLG (2007).

REASON: To minimise the damage to the development in the event of flooding and enable a faster recovery once floodwaters have subsided in accordance with ULP Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

10. 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 (i.e. any extension, outbuilding or enclosure) 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 the amenity of the occupiers of adjoining dwellings in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

11. Before development 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 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 in the approved form thereafter.

REASON: To meet the District Council requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

12. 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 1st March and 31st 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: 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 in accordance with ULP Policy GEN7 of the Uttlesford District Council (adopted 2005).