

UTT/13/1655/OP (Sewards End)

MINOR APPLICATION

Referred to due to the number of dwelling applications in Swards End

PROPOSAL: Outline application for the erection of 3 No. dwellings and garages with all matter reserved except access

LOCATION: Land at The Vineyard, Cole End Lane, Swards End, Saffron Walden

APPLICANT: Mr Mone

AGENT: Miss K Munro, KMBC Planning

EXPIRY DATE: 20 August, 2013

CASE OFFICER: David Gibson

1. NOTATION

- 1.1 The application site is located outside of development limits within the countryside.
- 1.2 The application site is located adjacent to Swards End.

2. DESCRIPTION OF SITE

- 2.1 The application site is a parcel of land located to the west of Swards End, close to the village boundary on the western side of Cole End Lane.
- 2.2 The application site lies within the curtilage of 'The Vineyard'.
- 2.3 The site itself is triangular in shape, with an area of approximately 4664m².
- 2.4 The site slopes from north east to south west, with the application site sited well below the ground level of the host property.
- 2.5 Agricultural land is located to the south west of the application site.

3. PROPOSAL

- 3.1 This outline application seeks permission for the erection of 3no. dwellings and associated garages with all detailed matters reserved apart from means of access.
- 3.2 The scale and design of the dwellings are to be determined in the subsequent reserved matters stage, the indicative site plan shows dwellings 14m long, 7.4m wide, with an orangery to the rear.
- 3.3 The indicative dwelling would have a footprint measuring 135m².
- 3.4 Access to the property would be gained from the existing private driveway for 'The Vineyard' which would be widened as part of the scheme.
- 3.5 The access position from the private driveway onto the public highway would remain as existing.

- 3.6 Trees and a hedgerow would be added to the eastern boundary to increase screening and privacy.

4. APPLICANT'S CASE

- 4.1 It is argued that there is a need for development to take place. Uttlesford District Council only has a 3.9 years housing land supply. This is a significant deficit on the 5 years plus 20% UDC should have identified and as a result the 'presumption in favour of sustainable development' policy in the NPPF should prevail.
- 4.2 Recent planning appeals demonstrate saved policies attract little weight from Inspectors and the Secretary of State if they 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.
- 4.3 Whilst the site is technically located outside the village development framework , it is within the residential curtilage of 'The Vineyard' and is in a sustainable location, close to the facilities of Swards End, only 350 metres from a bus stop with regular buses into Saffron Walden and Haverhill and within walking distance of Saffron Walden.
- 4.4 The proposal meets ULP Policy H4 as it makes more efficient use of land and would not cause any adverse impacts.
- 4.5 Whilst the proposal would create minimal additional traffic movements along the private driveway, it is likely the number of people actually using the driveway would have been greater historically when the adjacent Vineyard site was a busy and thriving garden centre.

5. RELEVANT SITE HISTORY

- 5.1 None relevant to this planning application.

6. POLICIES

6.1 National Policies

National Planning Policy Framework.

6.2 Uttlesford District Local Plan 2005

GEN1 Highways and Access
GEN2 Design
GEN7 Nature Conservation
GEN8 Vehicle Parking Standards
S7 The Countryside
H4 Backland development

SPD Accessible Homes and Playspace

7. PARISH COUNCIL

- 7.1 The Parish Council comments have not been received at the time of writing the report.

8. CONSULTATIONS

Highways Authority

- 8.1 No objections to the development subject to conditions.

Fisher German

8.2 No objections to the development.

9. REPRESENTATIONS

9.1 At the time of writing the report three letters of objection have been received.

- Precedent for other development
- Potential landslip
- Problems with access
- Concerned that all the applications need to be considered together
- Loss of rural character of area.
- Infrequent bus service
- Impact on wildlife

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 and car parking (ULP Policy GEN1);
- C Design (ULP Policy GEN2 & SPD Accessible Homes and Playspace);
- D Landscaping (NPPF)
- E Protected species and nature conservation (GEN7, NPPF)
- F Affordable housing provision (Developer Contributions, 2013)
- G Other material planning considerations

A The principle of the development of this site (ULP Policy S7, NPPF)

- 10.1 The site is located on the edge of (outside) the development limits of the village of Swards End. 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.
- 10.2 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.
- 10.3 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.
- 10.4 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".
- 10.5 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.'

- 10.6 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.
- 10.7 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.
- 10.8 The NPPF encourages sustainable development. The site does not appear to have any particular physical impediments which would prevent residential use.
- 10.9 The proposed site is located on the edge of the village, just outside of the development limits. Swards End is located some 2.5km from the centre of the town of Saffron Walden which offers an array of facilities including schools, dental and GP services, and retail and leisure facilities. Swards End is served by access to public transport in the form of a regular bus service which links the village to Saffron Walden and then further afield.
- 10.10 Given its location close to the edge of Saffron Walden and the bus service that is provided, it is considered that in this instance, particularly in comparison to the rest of the District, Swards End 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 Saffron Walden.
- 10.11 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.
- 10.12 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 given its location in close proximity to other residential properties.

B Access to the site and car parking (ULP Policy GEN1)

- 10.13 Access is a matter to be considered as part of this outline application. The development would utilise an existing access from 'The Vineyard'. This would be widened to improve access.
- 10.14 Essex County Council Highways Authority does not raise any objection to the development subject to the imposition of highways conditions.
- 10.15 Access to 'The Vineyard' would not be adversely affected.
- 10.16 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.
- 10.17 This provision is indicated on the plans and there is ample space within the site for additional visitor parking.

C Design (ULP Policy GEN2 & SPD Accessible Homes and Playspace)

- 10.18 Appearance, scale and layout are reserved matters. Indicative plans show dwellings that are between 1 storey and 2 storeys high (between 7 metres and 9 metres to ridgeline), with a length of 14m and a width of 7.4m with an orangery located to the rear.
- 10.19 This sized dwelling could easily be accommodated within the site, leaving ample space to be utilised as amenity space.
- 10.20 Landscaping is another reserved matter however it is proposed to retain existing boundary treatment and strengthen it.
- 10.21 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.

D Landscaping

- 10.22 The accompanying landscaping strategy demonstrates how the insertion of trees and a dense hedgerow along the eastern boundary would create important screening.
- 10.23 The accompanying Arboricultural Implications Assessment and Tree Survey details the condition of the trees and demonstrates how the development can take place without any impact upon existing landscape features.
- 10.24 This would be conditioned on any approval.

E Nature Conservation

- 10.25 A 'Protected Species Assessment' has been submitted as part of the planning application. This has been assessed by the Ecologist and no objections to the development has been received at the time of writing the report.
- 10.26 The site is not known to support any protected species and the development proposes to plant more native hedgerows and trees.
- 10.27 This will benefit local wildlife so is considered to be acceptable in principle.

F Affordable Housing

- 10.28 The Council has adopted a Housing Strategy (2012) which sets out the Council's approach to housing provision over the next 3 years. This document has been prepared alongside the new Local Plan to ensure that the needs highlighted can be delivered through new development.
- 10.29 Affordable Housing is defined in the National Planning Policy Framework (2012) and this definition is adopted by the Council.
- 10.30 'Affordable housing: Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.'

- 10.31 The Council will calculate the financial contribution on sites of 1 – 4 dwellings in 2.3 above as follows:
4 unit development – would provide 0.8 of an affordable unit – contribution equates to 80% of 1 full plot value for that locality
3 unit development – would provide 0.6 of an affordable unit – contribution equates to 60% of 1 full plot value for the locality
2 unit development – would provide 0.4 of an affordable unit – contribution equates to 40% of 1 full plot value for the locality
1 unit development – would provide 0.2 of an affordable unit – contribution equates to 20% of 1 full plot value for the locality.
- 10.32 The land value must be provided by an independent RICS valuer on a site specific basis. The valuer will be appointed by the Council, but with the fee payable by the developer.
- 10.33 It is therefore considered that the development would be required to pay a contribution of 20% of the full plot value per dwelling.

G Other materials planning considerations

- 10.34 Concerns have been raised from neighbouring properties relating to flood risk, drainage and land slips that may be caused by this development.
- 10.35 The site is not located within a flood risk zone so a flood risk assessment is not required.
- 10.36 With regards to drainage, a condition can be placed on any permission seeking details of drainage at the reserved matters stage.
- 10.37 With regards to land slips, additional information in the form of site levels could be required as a condition and the structural stability of any dwellings would be assessed through the submission of a Building Regulations submission.

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 The proposed development would not have an adverse impact on trees.
- E The proposed development would not have an adverse impact on any protected species.
- F The development would pay 20% of the full value per dwelling. The land value must be provided by an independent RICS valuer on a site specific basis. The valuer will be appointed by the Council, but with the fee payable by the developer.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO A SECTION 106 LEGAL AGREEMENT

- (I) The applicant be informed that the committee would be mindful to refuse planning permission for the reasons set out in paragraph (III) unless by 15

August 2013 the owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an agreement to secure the following:

- (i) Financial contribution towards affordable housing
 - (ii) Pay the Council's reasonable costs
- (II) In the event of such an agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant planning permission subject to the conditions set out below:
- (III) If the freehold owner shall fail to enter into such an agreement, the Assistant Director Planning and Building Control shall be authorised to refuse permission for the following reasons:
- (i) Lack of facilities provision of affordable housing

CONDITIONS

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. 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.

3. The development hereby permitted shall be begun no 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.

4. The parking provision for cars, cycles and powered two wheelers should be in accordance with the Parking Standards Design and Good Practice September 2009 and Uttlesford Local Residential Parking Standards February 2013.

REASON: To ensure that there would be adequate on-site parking provision in accordance with ULP Policy GEN8 of the Uttlesford Local Plan (adopted 2005).