

UTT/13/2678/FUL (WIMBISH)

(Referred to Committee by Cllr Knight - Reason: Strong community support for proposal)

PROPOSAL: Demolition of existing Nissen hut buildings and erection of 3 No. dwellings with associated access.

LOCATION: Radwinter Mushroom Farm, Bent Road, Wimbish.

APPLICANT: Mr G Dobbs and Mr D A Moody.

AGENT: Mark Jackson Planning.

EXPIRY DATE: 29 November 2013

CASE OFFICER: Clive Theobald

1. NOTATION

1.1 Outside Development Limits / Protected Lane.

2. DESCRIPTION OF SITE

2.1 The site is located in a rural position along a single track classified lane (Bent Road /Roman Road) connecting Upper Green (Wimbish) with Radwinter and comprises a redundant mushroom farm of 0.90 ha. consisting of workshop buildings and a group of semi-derelict Nissen huts with vehicular access onto Bent Road. The site slopes gently from south to north and has a generally overgrown and unkempt appearance due to a lack of site activity for a considerable number of years where ad-hoc dumping has occurred both inside the buildings and outside. A public footpath runs along the site's northern boundary. A bungalow lies close to the site's northern boundary, whilst further dwellings of varying sizes and styles lie along the lane to the south of the site, including Radwinter House, which comprises a substantial property.

3. PROPOSAL

3.1 This application proposal relates to the demolition of all of the existing agricultural/commercial buildings on the site and the erection of a line of 3 No. five bedroomed detached dwellings of 1½ and two storeys with side detached garages and separate driveways served off Bent Road.

3.2 The dwelling for Plot 1 would have a ridge height of 7.7 metres, the dwelling for Plot 2 would have a ridge height of 8.8 metres and the dwelling for Plot 3 would have a ridge height of 7.8 metres also. All three dwellings would be varied in traditional style with a combination of secondary roofs, front and rear gables (where the front gables for Plots 1 and 2 would be jettied) and roof dormers and would be externally clad in a mixture of tile, slate, brick, render and boarding. Driveways to the dwellings would be permeable tarmac with rolled shingle, whilst the plots would be divided at the front by new hedge planting where the existing frontage hedge would be retained. Rear amenity areas for all of the dwellings would exceed Essex Design Standards.

4. APPLICANT'S CASE

- 4.1 The application is accompanied by a Planning Supporting Statement, a Design and Access Statement and a Preliminary Ecological Appraisal (PEA).
- 4.2 The accompanying supporting statement sets out the reasoning and justification for the redevelopment of the site for residential purposes citing the following:
- The site's fall-back position for lawful commercial activities,
 - The lack of identified Traveller sites within the district where the applicant has previously submitted a request for Traveller allocation for an 8 pitch site, although this has now been withdrawn;
 - The Council's lack of a five year supply of deliverable housing sites within its district where relevant saved housing policies carry little weight and where there is a presumption in favour of sustainable development;
 - Strong support for residential redevelopment of the site from both Wimbish and Radwinter Parish Councils and local residents where the applicant has engaged with relevant stakeholders through community involvement, including the Rural Community Council for Essex and where the scheme now reflects various consultation comments in terms of housing density and nature of occupancy;
 - The scheme would reflect the character of the locality where a landscape dominated approach has been taken in terms of the design, scale and appearance of the proposed dwellings where there is an existing prevalence for large 1½ and two storey dwellings.
- 4.3 The supporting statement concludes as follows:

"In conclusion, it is submitted that the application causes no harm to interests of acknowledged importance. No harm will be caused to the quality and appearance of this part of the countryside. The proposal represents a very positive alternative to the lawful use of the site and the potential for commercial re-use of the buildings or Traveller accommodation. It is considered that the design, layout and use of materials will provide a scheme of quality and will be an attractive and traditional development enhancing the appearance of the area".

5. RELEVANT SITE HISTORY

- 5.1 The first recorded application for the site involved the use of existing Nissen huts for mushroom growing in 1953 from whence mushroom growing at the site evolved, although this use has long since ceased. The site has been the subject of a number of refused planning applications registered from the 1970s onwards through to 2001 for alternative residential use involving small dwelling schemes involving two dismissed appeals. Additional applications for the siting of minor commercial buildings in association with the mushroom farm and also commercial change of use were submitted during this period also. The most notable and most recent planning applications for the residential re-use of the site were in 2000 for the erection of three dwellings on the site (UTT/1024/00/FUL) and in 2001 for the erection of one dwelling (UTT/1457/01/FUL), both which were refused on countryside protection grounds when the Council considered that the clearance of the existing derelict buildings would not represent sufficient justification for an exception to rural constraint policy and would not outweigh harm which would result where the proposals would cause a development precedent for similar derelict rural sites elsewhere in the district. The 2001 application was refused at appeal.

- 5.2 In refusing planning permission for the 2000 submitted three dwelling scheme, it was further considered that the three dwellings proposed would be unacceptably large and prominent where their bulk would detract from the pleasant open character of the rural area. In dismissing the 2001 application appeal, the Inspector noted that the mushroom farm was no longer viable containing poor quality buildings and that some residents had supported the appeal proposal where they had considered the clearance of the site to be beneficial. However, the Inspector remarked that the site formed part of a sporadic pattern of development within the open countryside and that it clearly lay beyond the built-up extent of nearest settlements, adding that the introduction of a dwelling on the site would consolidate the existing pattern of sporadic development and would harm the character and appearance of the area. The Inspector further remarked that *“The grant of planning permission in this case could make it more difficult for the Council to resist similar proposals, which, if permitted, would cumulatively harm the open rural character of the area and thereby undermine the objective of development plan policies to safeguard the character of the countryside. I am mindful of the general desire to remove the existing unsightly buildings, but consider there are other ways of improving the appearance of the site that are not dependant on the grant of planning permission for residential development”*. Whilst it should be appreciated that this appeal decision pre-dates the currently adopted 2005 local plan being issued some twelve years ago, the general position on the ground along this section of Bent Road/Roman Road remains similar in character as it did then.
- 5.3 A Certificate of Lawfulness application for the existing use of one building and Nissen hut on the site for B8 use was refused by the Council in 2003 on the basis that the submitted evidence had not demonstrated that on the balance of probability the two buildings the subject of the application had been used for Class B8 storage purposes for a period of ten years prior to the submission of the application (UTT/0989/03/CL).

6. POLICIES

6.1 National Policies

- National Planning Policy Framework.

6.2 Uttlesford District Local Plan 2005

- ULP S7 – The Countryside
- ULP H1 – Housing Development
- ULP H10 – Housing Mix
- ULP ENV8 – Other Landscape Elements of Importance for Nature Conservation
- ULP GEN1 – Access
- ULP GEN2 – Design
- ULP GEN7 – Nature Conservation
- ULP GEN8 – Vehicle Parking Standards
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6.3 Supplementary Planning Documents

- Developer Contributions Guidance Document adopted June 2103

6.4 Uttlesford District DRAFT Local Plan

- Policy SP5 – Meeting Housing Need
- Policy SP6 – Housing Strategy
- Policy SP8 – Environmental Protection
- Policy SP12 – Protection of the Countryside

- Policy SP14 – Protecting the Natural Environment
- Policy SP15 – Accessible Development
- Policy HO10 – Sites for Gypsies, Travellers and Travelling Showpeople
- Policy DES1 – Design
- Policy C2 – Protection of Landscape Character
- Policy HE4 – Protecting the National Environment
- Policy TA1 – Vehicle Parking Standards

7 PARISH COUNCIL COMMENTS

7.3 The following comments have been received:

Wimbish Parish Council:

- Strongly support the principle of housing on this site and therefore is supportive of the application;
- The site has been derelict for many years with no prospect of any other productive use, so housing on the site would provide the ideal solution;
- The proposed development has the strong support of the local primary school, which has significant spare capacity;
- We would mention some recent planning applications in our neighbouring parish of Swards End. These were all outside village development limits, but nonetheless were all recommended for approval by the Planning department (UTT/13/1652/OP, UTT/13/1653/OP, UTT/13/1654/OP, UTT/13/1655/OP and UTT/13/1670/OP);
- All the Swards End applications were opposed by the Parish Council and about 80 individual letters of objection were received. In contrast, the current application has the support of Wimbish Parish Council, Radwinter Parish Council and about 30 local residents. There are no individual letters of objection. Swards End is a small parish with no shop, pub or post office. Wimbish and Radwinter have all three and the post office and soon to be re-opened pub in Radwinter are within reasonable walking distance of the proposed development.

Radwinter Parish Council:

- The development would be an improvement to the site in terms of usage and appearance. There is much support for it from residents who consider that the scheme would benefit the community far more than its current state.

8 CONSULTATIONS

Essex County Council Highways

8.3 The proposed development will generate less traffic than the existing use could generate, all vehicles can turn within the site and it would also remove the potential for HGV movements from the site other than refuse vehicles. No highway objections.

Essex County Council Ecology

8.2 The majority of habitats on site were considered suitable for reptiles and a survey is therefore necessary as explained in section 4.2.4 of the submitted Preliminary Ecological Appraisal (report reference MH135 Version 1 dated 24th April 2013). A survey has not been provided. The presence or otherwise of legally protected species

has not been established and the impacts of the proposal cannot be assessed. Surveys must be carried out at the correct time of year. As we are now out of the reptile survey season and it will not be possible to survey for reptiles until April 2014, I recommend the application is refused.

Essex County Council Archaeology

- 8.3 The Historic Environment Record shows that the proposed development lies on the site of a Second World War Airfield dispersal site (HER 16569). The development also lies immediately adjacent the Roman Road (EHER 1452) which runs north to meet other roads at the Roman settlement at Radwinter. The Roman road is recorded as running along the present line of the lane running by the development site. There is potential for the discovery of either the Roman Road or a settlement associated with the road in the area of the proposed development. The airfield dispersal site was associated to Great Sampford Airfield to the south-east. Cartographic evidence shows a number of the present buildings on this site being located in their original positions at the northern end of the site. The remainder of the buildings may have their origins from the Second World War, although seem to have been relocated from their original position. Recommendation: Trial trenching and excavation / Basic building record.

Environmental Health

- 8.4 The former agricultural buildings on this site have a high risk of containing asbestos and have been used for storage of miscellaneous items, e.g. electrical equipment. The applicant should be advised that a demolition survey and safe removal of any asbestos will be required under the Control of Asbestos regulations. In addition there is potential for ground contamination, and contamination/remediation conditions are requested on any planning permission granted.

9 REPRESENTATIONS

- 9.1 22 representations received. Notification period expired 25 October 2013. Advertisement expired 31 October 2013. Site Notice expired 4 November 2013 (affecting Public Right of Way).
- Site has been a blight and eyesore on the area for many years containing dilapidated buildings and at risk of unsuitable or illegal occupation and/or use, including flytipping
 - Site is derelict unused brownfield land in desperate need of improving and remains an unresolved issue as well as being a dangerous health and safety hazard where the site contains asbestos
 - Existing condition of land is obvious from adjacent public footpath
 - The future use of this site should be seen in a fresh and more positive light to previous application submissions for this site
 - Development of the site is long overdue where this has been caused in part by the intransience of the Council
 - New dwellings are needed in the local area
 - Local residents strongly support the principle of suitable development of the site and the current application provides this opportunity
 - Proposed dwellings would not cause much strain on existing local infrastructure
 - The design of the dwellings would blend in with the local landscape, if not a bit large, where site density is appropriate
 - Two houses could be better than three in terms of streetscene impact

- ECC Highways have approved the development as being preferable to other options, such as commercial, in terms of traffic flow
- Applicant has been working with the local community on this site for a considerable while to get to the current application submission
- UDC should listen to the views of local residents when considering the merits of this application.

10 APPRAISAL

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

- A Principle of re-use of the site for residential purposes / whether the development would be harmful to the rural character of the area (NPPF, ULP Policies S7, H1, H10 and GEN2);
- B Whether the development would have a detrimental effect on highway safety / a Protected Lane (ULP Policies GEN1 and ENV8);
- C Whether the development would be harmful to protected species / other wildlife features (ULP Policy GEN7);
- D General amenity of local residents (ULP Policy GEN2);
- E Parking Standards (ULP Policy GEN8).

A Principle of re-use of the site for residential purposes / whether the development would be harmful to the rural character of the area (NPPF, ULP Policies S7, H1, H10 and GEN2).

- 10.1 The site lies within a countryside location relatively remote from Radwinter village situated to the north and Tye Green, Wimbish to the south-west. ULP Policy S7 states that the countryside will be protected for its own sake and that permission will only be granted for development which needs to take place there or is appropriate to a rural area, adding that there will be strict controls on new building. Planning applications received for the residential redevelopment of this rural redundant farm site have been refused by the Council on more than two occasions previously as described above on countryside protection grounds where the need to safeguard the character of the countryside for its own sake has previously been accepted by an Inspector at appeal. It is considered that no material changes exist at the site since the previous refusals to warrant an exception to rural policy under the Council's current rural constraint policy where the introduction of three dwellings onto the site as proposed where these would all be of considerable size as five bedroomed dwellings with associated garaging would be damaging to the rural character of the area.
- 10.2 Notwithstanding this, the NPPF states that saved local plan housing policies should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites where in such circumstances there is a presumption in favour of sustainable development. It is acknowledged that the Council cannot currently demonstrate a five year supply of housing sites and that its saved housing policies therefore have diminished weight in this regard where it's Draft Local Plan is still at an early stage. The proposal therefore has to be considered against this five year deficit.
- 10.3 The site has been the subject of a previous Strategic Housing Land Availability Assessment (SHLAA) promoted through the Draft Local Plan (WIM1) where this identified the loss of rural employment land through redevelopment of the site. Whilst the assessment showed that the site was deliverable in terms of existing site constraints, it concluded that the site was not well related to any settlement and where (quote) *"The isolated nature of the site does not make it an ideal choice for housing as*

it would rely heavily on the private car for access". It is acknowledged in the applicant's own submissions that the site is not necessarily the most sustainable location, although the applicant argues that the redevelopment of the site would result in a planning gain for the immediate area given the site's present condition. It should be noted in this respect that two SHLAA allocated sites, firstly for Radwinter village for thirty dwellings or more at RAD1 where this site is supported by the Parish Council where this would involve the inclusion of affordable housing for local needs and secondly at Tye Green, Wimbish (WIM2) have been put forward. The Council is aware that the original proposal for affordable housing at the application site has since been amended to now include the three market houses as now proposed.

- 10.4 It is the view of Officers from this SHLAA process and by a general assessment of the site and its surroundings that the proposal as submitted does not amount to a sustainable form of development at this location where it would not be consistent with the environmental strand of the NPPF's definition of sustainable development where, as previously stated, material harm would be caused to the character of the countryside.

B Whether the development would have a detrimental effect on highway safety / a Protected Lane (ULP Policies GEN1 and ENV8).

- 10.5 Bent Road is a single track classified road and also a Protected Lane given its rural nature. However, ECC Highways have not objected to the scheme on highway grounds where it considers that a residential use of the site would be less intensive than any resumption of previous commercial activities involving HGV movements and where the site layout would be acceptable regarding on-site manoeuvring. It is noted from the 2000 submitted application that it was considered that the introduction of three dwellings at the site would not cause undue pressure on either the local highway network or harm to the conservation of the roadside verges and the proposal would not therefore be contrary to ULP Policies GEN1 and ENV8.

C Whether the development would be harmful to protected species / other wildlife features (ULP Policy GEN7).

- 10.6 The Preliminary Ecological Appraisal accompanying the application comprising an Extended Phase 1 Habitat Survey has identified that the site is considered to be of low ecological value where it contains a significant amount of scrub throughout in addition to semi-derelict buildings and rubbish/flytipping. The appraisal considers from the findings, however, that the presence of semi unmanaged semi-improved grassland, rubble piles and hardstanding in what is a rural location provides some potential reptile habitat and recommends that presence/absence surveys are undertaken to determine the presence/absence of reptile species and whether specific mitigation would be required, although this has not been separately submitted. It considers that the site is not suitable to support protected species, including bats and Great Crested Newts and, with the exception of reptiles no other protected species surveys are advised or recommended given the condition of the buildings and the absence of ponds on or in the vicinity of the site. Bio-diversity landscaping is recommended to enhance the ecological value of the site
- 10.7 ECC Ecology has been consulted on the application, who have advised that they are unable to fully assess the impact of the proposal on all protected species in the absence of a separate reptile survey where there could be suitable hibernacula on the site given its condition to make conditions suitable for such species. It further advises that it is now past the optimal time period of the year to carry out a survey to establish the existence or otherwise of such species and that it will not now be possible to carry

out the survey until April 2014. On this basis, ECC Ecology recommend refusal of the application on the precautionary principle and the proposal would therefore be contrary to ULP Policy GEN7.

D General amenity of local residents (ULP Policy GEN2).

10.8 The proposed development would have a negligible effect on the amenities of local residents living either side of the application site given the siting of the proposed dwellings, the separation distances involved and the lack of flank elevation windows. No objections are therefore raised to the proposal under ULP Policy GEN2.

E Parking Standards (ULP Policy GEN8).

10.9 The proposed dwellings would all be five bedroomed and there would therefore be a requirement to provide 3 No. parking spaces per dwelling. This would be achieved in each case where each dwelling would have a double garage and additional front bay parking spaces where each garage would accord with minimum size dimensions of 7 metres by 3 metres. The proposal would therefore accord with ULP Policy GEN8.

RECOMMENDATION – REFUSAL

Reasons:

1. The proposal would amount to an unsustainable form of development at this rural location where it would be contrary to the countryside protection aims of ULP Policy S7 which seeks to protect the countryside for its own sake and would be contrary to the National Planning Policy Framework where this seeks to protect the countryside from unsustainable forms of development where this would cause demonstrated rural harm.
2. The applicant has failed to submit sufficient information within the Preliminary Ecological Assessment accompanying the application to show that the proposal would not have a harmful effect on protected species and would therefore be contrary to ULP Policy GEN7 based upon the precautionary principle.
3. The development would generate the need for a financial contribution in respect of affordable housing. The application provides no mechanism for addressing the need for additional provision. It therefore fails to comply with the adopted Developer Contributions Guidance Document adopted June 2103.

UTT/13/2678/FUL

Radwinter Mushroom Farm Bent Road Radwinter



Scale : 1:2500

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