

UTT/ 13/2937/FUL (Sewards End)

(MINOR APPLICATION Referred to Committee by Cllr Ketteridge – Reason: Due to large public opposition to development beyond the building lines in Sewards End, and in an effort to protect the village and the surrounding countryside from such speculative development)

PROPOSAL: **Erection of 4 No Dwellings**

LOCATION: **Land at 18A Cole End Lane, Sewards End**

APPLICANT: **Mr Julian Cooper**

EXPIRY DATE: **23 December 2013**

CASE OFFICER: **Tony Boswell**

1. NOTATION

1.1 Rural Restraint Area, outside the Development Limits of Sewards End.

2. DESCRIPTION OF SITE

2.1 The application site is a broadly rectangular area of some 0.817 ha enclosed on three sides by a substantial bank of trees. Access to the land is provided by a narrow "lane" or driveway originally constructed to serve a single dwelling at the rear of the Cole End Lane frontage. That single dwelling was numbered 18A Cole Green Lane (although not forming part of the application site, or related to numbers 18 and 20 Cole Green Lane which lie to either side of that existing access Lane).

3. PROPOSAL

3.1 The application is for full planning permission concerning four fairly substantial single storey homes and gardens, a new access road (constructed to adoptable standards), and a reconfiguration of the existing road access between numbers 18 and 20 Cole Green Lane.

3.2 Following late amendments sought by officers the level of that access road would be marginally lowered and bordered on both its sides by a generally 1.7 metre high screen brick wall. These amendments will hopefully resolve a number of historic drainage issues involving adjacent gardens, and provide a durable screen, to safeguard both adjacent homes from visual disturbance and traffic noise - (while supplanting various aged timber fences along the flank boundary of both pre-existing homes).

3.3 The existing driveway entrance to 18A Cole Green Lane would be retained largely unchanged between numbers 18 and 20 Cole Green Lane. Proposed changes are minor and to ease the safe entry and exit by refuse and other larger vehicles. That entrance is located on the east side of the Lane at a point some 20 metres north of a 30 degree bend in the Lane as it leaves the urban area of Sewards End. Rather greater than 45 metre forward visibility splays are provided - (corresponding to an ambient traffic speed of 50 kph. Note the absence of objection from the Highway Authority). That new driveway would then extend some 60 metres between adjacent screen walls before entering the greater part of the application site in its south east corner. The new road would then proceed diagonally across the site towards its north western corner, constructed and dimensioned throughout to standards recommended in "Manual for

Streets" (DCLG - DoT). This would provide access for refuse and emergency vehicles, and a turning facility at two points. It would also replace the current single vehicular access to number 18A Cole Green Lane - (and so serve a total of five homes).

- 3.4 Each of the four proposed bungalows would face north, and each with a detached double garage. Rear gardens would thus face south, towards the established tree bank which forms the southern edge of the site. Those garage roofs, like those of the proposed bungalows feature hipped roofs with an overall height of some 6.5 to 7 metres to ridge - (to minimise the scale and visual intrusion into adjacent countryside). One of the bungalows would be three bedroomed and the remaining three would be four or five bedroomed. External materials would be resin based timber boarding over a brick faced plinth in each case. Roofs would be plain clay tiles on bungalows, and clay pantiles to garage roofs.

4. APPLICANT'S CASE

In Summary:

- 4.1 Uttlesford DC is significantly short of deliverable housing land. That fact activates a number of provisions within the National Planning Policy Framework that would not arise if the District had a more up to date modern Local Plan that included provision for not less than a 5 year supply of deliverable housing land. Those provisions serve to activate a presumption in favour of sustainable development that should override the more restrictive Policy H3 of the 2005 Uttlesford Local Plan - (the policy intention of which is to restrict new development to a tightly delineated "development limit" around the built up area of Swards End).
- 4.2 The four bungalows concerned are relatively low lying and so configured to minimise visual intrusion into the adjacent countryside.
- 4.3 The traffic impact on the amenities of adjacent homes (18 and 20 Cole End Lane) and on road safety are minor, given the pre-existing use of that access lane by the recently permitted detached house permitted in November 2011 under UTT/0893/11/FUL.

5. RELEVANT SITE HISTORY

UTT/0893/11/FUL - Detached house, conditional permission 18.11.2011 (The house at 18A Cole End Lane, on adjacent land with an existing access via the application site).

6. POLICIES

6.1 National Policies

- National Planning Policy Framework. Paragraphs 6 to 15, and paragraph 49 (in particular)

6.2 Uttlesford District Local Plan 2005

- Policy GEN1 - Access,
- Policy GEN2 - Design,
- Policy GEN7 – Nature Conservation,
- Policy H3,
- Policy H4,
- Policy S7 - Countryside,
- Policy ENV3

- Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation.

7. PARISH COUNCIL COMMENTS

- 7.1 Strongly object - "on an agricultural field outside the village envelope" (also commissioned a six page letter of objection from a Chartered Planning Consultant).

8. CONSULTATIONS

ECC Highways

- 8.1 No objection

ECC Ecology

- 8.2 No objection, subject to a planning condition recommended (see condition 10).

9. REPRESENTATIONS

- 9.1 34 adjacent and near neighbours notified by direct mail. The Parish Council and numbers 18 and 20 Cole End Lane re-notified following amendments to road layout explained above. 24 replies received. In fair summary these make the following points:

- "Opportunistic" following other permissions elsewhere
- On a dangerous blind bend - used as a "rat run"
- Disruption due to construction traffic
- Larger homes than "affordable homes"
- An unwarranted incursion into the countryside. Outside the village envelope
- Loss of amenity to adjacent homes
- Swards End has a "conservation order" on it
- Would aggravate capacity issues concerning local Health Care and Education
- Harm to local wildlife
- *"Swards End residents chose to live in a village and not within the eastern fringe of Saffron Walden. Approval of this development would set a prejudicial precedent for many other sites adjacent to, but not within, the current village building line resulting in urbanisation of the village".*
- Precedent for further homes in and around Swards End.
- *"There is no school, post office, public house or employment opportunities in the village Therefore this proposal would encourage travel by car as the local bus service is intermittent and irregular".*
- Harmful to the character of landscape on this western side of Swards End.

In relation to one common comment summarised above, Swards End does not have a "conservation order" or a Conservation Area as alleged.

10. APPRAISAL

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

- A The extent of physical and visual intrusion into the adjacent countryside.
- B The shortage of deliverable housing sites throughout Uttlesford
- C Any harm to the amenity of adjacent homes and gardens

D Road safety concerns.

A The extent of physical and visual intrusion into the adjacent countryside

10.1 The extent of physical and visual intrusion into the adjacent countryside. As mentioned earlier the site as a whole is well enclosed by banks of trees on its southern and western edges that form a compelling visual edge to the homes, gardens and related "paddocks" of Swards End. That well established physical edge is rather further out than the defined "policy edge" shown on the Proposals Map of the Uttlesford Local Plan (2005). The application site therefore forms part of the Rural Restraint Area that surrounds Swards End. The proposed configuration of four single storey dwellings and hipped roofs of some 6.5 to 7.0 metres in overall height would minimise visual intrusion beyond the edge formed by that pre-existing tree cover. (Subject to compliance with conditions recommended below).

B The shortage of deliverable housing sites throughout Uttlesford

10.2 The ordinary presumption of ULP Policy H3 is that any new dwellings added to Swards End would be confined solely to the defined development area shown on the Proposals Map. However, the National Planning Policy Framework (NPPF) is a highly material planning consideration and this has a strong presumption in favour of sustainable development.

10.3 The application site is located outside the development limits of Swards End within open countryside and is therefore located within the Countryside where ULP Policy S7 applies. This policy specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. 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. A review of the Council's adopted policies and their compatibility with the NPPF has been carried out on behalf of the Council by Ann Skippers Planning. Policy S7 is found to be partly consistent with the NPPF. The protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development, but the NPPF takes a positive approach, rather than a protective one, to appropriate development in rural areas. The policy strictly controls new building whereas the NPPF supports well designed new buildings to support sustainable growth and expansion of all types of business and enterprise in rural areas. Recent case law indicates that the NPPF's focus on the economic aspects of rural growth does not necessarily favour new housing within rural areas. Nevertheless the NPPF arguably reduces the weight given to the restraint implied by Policies H3 and S7 and this must be weighed against other and wider sustainability principles.

10.4 The applicants have argued that Uttlesford cannot demonstrate an adequate 5 year supply of housing land. The Council recognises that it has a shortfall, and that it should consider favourably applications for sustainable residential development which will make a positive contribution towards meeting housing need. The disparity between the defined village envelope of Swards End (Policy H3) and its physical and visual edge defined by pre-existing banks of trees is therefore potentially persuasive, subject to the assessed impact upon the countryside and the sustainability of the location - rather than just the application site's exclusion from the defined development limit under ULP Policy H3.

- 10.5 The 5-year land supply update statement (published Wednesday 9 October 2013) considers the supply of housing against the Council's objectively assessed need which is based on the SNPP-2010 projections of 523 dwellings a year. The information below has been updated since to take into account any recent approvals.
- 10.6 It is estimated that 2501 dwellings on committed sites will be built during the 5 year period, whilst the requirement is for 2746 dwellings to be built. This relates to 91% of the requirement which is equivalent to 4.7 years. There is therefore a current shortfall of 245 dwellings.
- 10.7 As a consequence the Council presently without a deliverable 5 year supply of housing land and therefore applications have to be considered against the guidance set out in Paragraphs 6 - 15 of the NPPF. The Council has accepted this previously and has considered and determined planning applications in that light. As a consequence, planning permission has been granted for residential development outside development limits where appropriate, on sites that are identified for potential future development in the emerging Local Plan, and on sites which are not identified but which are considered to be sustainable. Those permissions on land which is not previously identified but considered to be "sustainable" include the five homes permitted outside the defined village envelope of Swards End earlier this year under UTT/13/1652/OP and UTT/13/1653/OP (Elsewhere to the rear of Cole End Lane).
- 10.8 Paragraphs 7 and 14 of the NPPF set out that there is a presumption in favour of sustainable development. The core principles of the NPPF set out the three strands of sustainable development. These are the economic role, social role and environmental role. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. It is therefore necessary to consider these three principles in this and similar cases.
- 10.9 Economic role: The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. Beyond the activity of its construction this proposal for four new homes would not appear to deliver a significant economic role.
- 10.10 Social role: The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. If permitted the proposal might make a contribution towards the delivery of the housing (including an off-site contribution towards future affordable housing) needed for the district as a whole. Swards End is not well served by a variety of local services or by public transport as an alternative to complete reliance on use of a private car. The site lies some 300 metres from a local bus stop, although services appear to be infrequent. However, in view of its proximity to the facilities of Saffron Walden - between 2 and 3 km via the B1053, the location is in a relatively accessible location – and is very comparable to the two planning permissions granted closeby and earlier this year under UTT/13/1652/OP and UTT/13/1653/OP.
- 10.11 Environmental role: The NPPF identifies this as contributing to protecting and enhancing our natural, built and historic environment, including, inter alia, improvements to biodiversity and minimising waste. In this respect the proposal would not appear to harm significant biodiversity or ecological interest.

C Any harm to the amenity of adjacent homes and gardens

Any harm to the amenity of adjacent homes and gardens - notably to numbers 18 and 20 Cole End Lane. The relevant ULP policies H3 and H4 suggest (in positive terms) that development "will be permitted" if:

- b. There would be no material overlooking or overshadowing of nearby properties;
- c. Development would not have an overbearing effect on neighbouring properties;
- d. Access would not cause disturbance to nearby properties.

As amended to include a lowering of the proposed access between 18 and 20 Cole Green Lane and the inclusion of new screen brick walls to either side, this policy objective appears to be satisfied. None of the four proposed homes would be in close proximity to any pre-existing nearby home. The overall density of the proposal is low and, in principle rather more new homes could be accommodated. However the dimensions and limitations of the proposed access road prescribe the total number of dwellings (and traffic flows) that might safely be accommodated. Any greater number of homes would also tend to increase the scale of visual intrusion into adjacent countryside.

D Road Safety Issues

Road safety issues. In this respect the existence of the pre-existing vehicular access to serve number 18A Cole End Lane is persuasive - originally permitted in November 2011 under UTT/0893/11/FUL. The absence of objection from Essex County Council as Highway Authority is similarly compelling. This part of Cole End Lane is not constructed to the same dimensional standards as would be appropriate within an urban or sub-urban area. It narrows to a single track lane some 40 to 50 metres to the south of the application site and lacks any defined footway in proximity. Local traffic conditions are aggravated by its use as a recognised "rat run" – particularly during peak commuting hours. Its relative lack of width has prompted minor amendments to the proposed entrance to better enable entry and exit by larger vehicles. Forward visibility in both directions is however adequate for pedestrian and vehicular safety and, assuming lawful use of due care and attention by road users, this has been reflected in the absence of objection by the Highway Authority. (TRICS data indicates that the four homes proposed might generate a "peak hour" traffic flow of around 3 vehicle movements per hour, compared to around one peak hour vehicle movement, when the new home permitted by planning permission UTT/0893/11/FUL is finally completed and occupied).

11. CONCLUSION

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

- A The development of four homes would make a significant contribution towards reducing the recognised shortage of deliverable housing land throughout Uttlesford and, via a Section 106 Obligation would contribute financially towards the off-site delivery of future affordable homes.
- B Although served by relatively infrequent public transport, the location of the proposed development is moderately "sustainable" – albeit reliant on easy access to facilities in Saffron Walden or elsewhere. (The sustainability of the development and its location is very comparable to the five homes permitted by this Committee earlier this year under UTT/13/1652/OP and UTT/13/1653/OP).

- C The physical and visual intrusion into adjacent countryside would be minor, mitigated by an existing bank of trees and the limited vertical scale of the four homes proposed. (Comparable to the impact of the five homes permitted by the Committee earlier this year under UTT/13/1652/OP and UTT/13/1653/OP).
- D Use of the pre-existing access road is already established under the planning permission granted to the new home at 18A Cole End Lane under UTT/0893/11/FUL – still under construction. Additional impacts upon the adjacent 18 and 20 Cole End Lane can be better managed by the use of screen brick walls and other measures required by conditions recommended below. (Including conditions relating to the construction period).
- E Road safety concerns are very understandable but the existence of the vehicular access between 18 and 20 Cole End Lane is lawful under planning permission UTT/0893/11/FUL is compelling. The net additional peak hour traffic flows would not be significant. Design enhancements arising from this planning application would improve conditions and road safety for visiting larger vehicles.

RECOMMENDATION – CONDITIONAL APPROVAL- SUBJECT TO S106 LEGAL OBLIGATION

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town & Country Planning Act 1990, as amended by the Planning & 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 obligation to secure the following:**
 - (i) Contribution equating to 80% of 1 full plot value for that locality**
 - (ii) Payment of monitoring fee**
 - (iii) Pay Council’s reasonable costs.**
- (II) In the event of such an obligation being made, the Assistant Director Planning & Building Control shall be authorised to grant permission subject to the conditions set out below**
- (III) If the freehold owner shall fail to enter into such an agreement by 31.1.14 the Assistant Director Planning & Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reasons:**
 - (i) Absence of equitable contribution towards the future provision of off-site affordable housing**

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 The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies

- 3 Notwithstanding the details shown on drawings hereby permitted, screen brick walls that are "fair faced" on both sides shall be constructed wholly within the application site to both sides of the entrance hereby permitted from Cole End Lane. Those screen brick walls shall be constructed prior to commencement of any other building or engineering operations on-site and shall extend for a distance of not less than 59 metres adjacent to 18 Cole End Lane and for a distance of not less than 65 metres where adjacent to 20 Cole End Lane. Both screen walls shall be constructed to a finished height of 1.7 metres above the adjacent wearing course of the finished road access, except for the first 18 metres from Cole End Lane which shall not exceed 1.2 metres in finished height on both sides.

REASON: To safeguard the amenities and privacy of numbers 18 and 20 Cole End Lane throughout the construction period and subsequent use of the access road concerned, in accordance with policies GEN2, GEN4, and H4 of the Uttlesford Local Plan (2005).

- 4 The new access road hereby permitted shall be constructed and finished within its haunched kerbs and completed as far as its wearing course for the first 62 metres of its distance from the carriageway of Cole End Lane prior to the prior to commencement of any other building or engineering operations on-site (other than compliance with condition 3 above).

REASON: To safeguard the amenities and privacy of numbers 18 and 20 Cole End Lane throughout the construction period and subsequent use of the access road concerned, in accordance with policies GEN2, GEN4, and H4 of the Uttlesford Local Plan (2005).

- 5 Prior to the erection of any part of the development hereby permitted full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Those submitted details shall include:

- a) Grass and/or shrub planting to either side of the permitted road access between numbers 18 and 20 Cole End Lane;
- b) The size, species and manner of planting (tree pits and any growth medium) of new tree and shrub planting throughout the development as hereby permitted;
- c) The kerbing and surfacing (wearing course) of the proposed access road and turning areas throughout its length;
- d) The surfacing and edging of the "private forecourt" and on-site parking to each of the four homes hereby permitted;
- e) Any street lighting or other minor artefacts such as overhead cables.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any relevant or adjacent part of the development is occupied or, in accordance with any alternative programme previously agreed in writing with the Local Planning Authority.

REASON: To ensure that the development as a whole is completed to a satisfactory and high standard of design, in accordance with the policy objectives of policies GEN2; GEN7; ENV3 and ENV8 of the Uttlesford Local Plan (2005).

- 6 Prior to the commencement of any development on site in pursuance of this permission a Construction Site Environmental Management Plan (CSEMP) shall be submitted to and approved in writing by the Local Planning Authority. In particular but not exclusively that CSEMP shall explain and address the following matters:

- a) The hours and days of operation during which building and engineering operations shall be conducted on-site. And,
- b) The hours and days within which deliveries to the site and surplus materials and wastes shall be removed from the site. And,
- c) The location of all site offices and other employee facilities, including vehicular parking for employees. And,
- d) The location of on-site arrangements for the reception and storage of materials, and the on-site turning/manoeuvring of delivery vehicles. And
- e) The nature and location of on-site facilities for the cleansing of vehicle wheels upon exit from the application site.

Once approved by the Local Planning Authority the provisions of that CSEMP shall be strictly adhered to unless a variation has previously been approved in writing by the LPA.

REASON: To safeguard the amenities of nearby residential properties and road safety throughout the construction period and use of the access road concerned, in accordance with policies GEN2, GEN4, and H4 of the Uttlesford Local Plan (2005).

- 7 In implementation of this planning permission there shall be no burning of surplus vegetation or other wastes on-site.

REASON: To safeguard the amenities of nearby residential properties and road safety throughout the construction period, in accordance with policies GEN2, GEN4, and H4 of the Uttlesford Local Plan (2005).

- 8 Notwithstanding the details and annotations on drawing number EJB-031-001B as hereby permitted, the road access hereby permitted shall be of durable construction that is routinely and recurrently able to withstand the manoeuvring of large vehicles with an axle loading of up to ten tonnes.

REASON; To support the regular use of that new access road by refuse collection and other large vehicles and in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any act or order revoking, re-enacting or modifying that Order), no outbuildings or other structures under Class E or Class F of Part1 and Schedule 2 to that Order shall take place within ten metres of the southern boundary of Plot 1; Plot 2; Plot 3 or Plot 4 as hereby permitted without the prior written permission of the Local Planning Authority following the submission of a planning application for that purpose.

REASON: To safeguard the integrity and health of existing tree cover which forms that boundary and so minimise any visual intrusion into the adjacent countryside, and so to meet the objectives of Policy S7 of the Uttlesford Local Plan (2005).

- 10 The development hereby permitted shall be implemented in accordance with: Sections 4.1.5, 5.2 and 5.3 of the Preliminary Ecological Assessment (dated September 2013) in all respects unless otherwise agreed in writing by the Local Planning Authority. The mitigation measures shall be permanently maintained and retained throughout the process of undertaking the development hereby permitted.

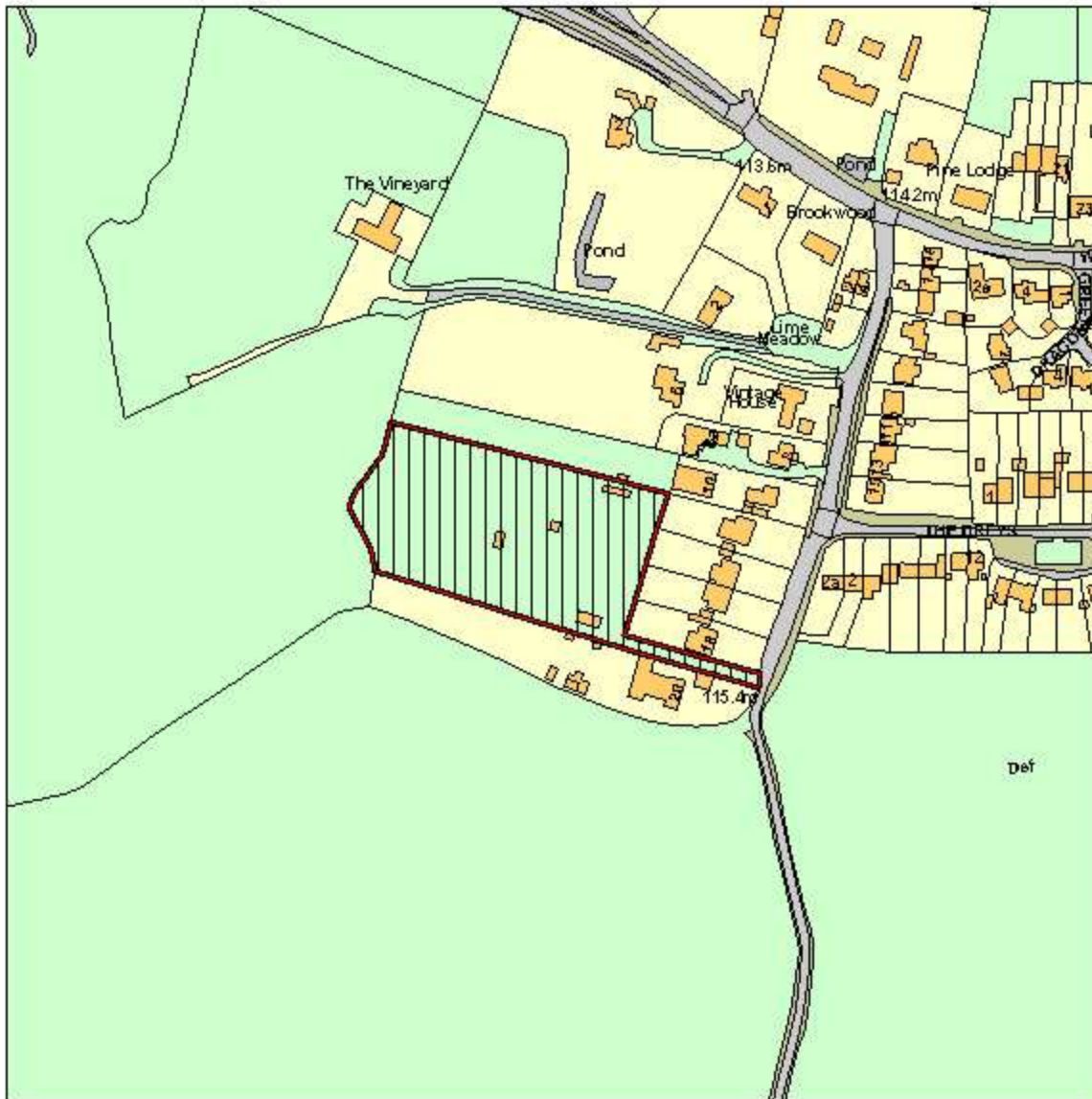
REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Policy ENV8 of the Uttlesford Local Plan (2005).

UTT/13/2937/FUL

Land at 18A Cole End Lane Swards End



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Organisation	Uttlesford District Council
Department	Planning & Building Control
Comments	
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