

UTT/14/0749/OP DEBDEN

Referred to Committee by Cllr Knight if recommended for refusal - Reason: Proposal represents a sustainable form of residential development as an infill rural housing scheme

PROPOSAL: **Outline application with all matters reserved for erection of 2 No. dwellings with associated access and garaging.**

LOCATION: **Land south-west of Wisteria House, Debden Green, Debden.**

APPLICANT: **Mr H Palmer**

AGENT: **Mrs L Carpenter**

EXPIRY DATE: **20 May 2014**

CASE OFFICER: **Clive Theobald**

1. The above application proposal was deferred by Members of the Planning Committee at their meeting held on 4 June 2014 to enable officers to request from the applicant an ecology assessment relating to the site as insufficient ecology information had been submitted with the original application submission to show that the proposed development would not have a harmful effect on protected species given the site's physical condition. As such, the proposal was considered in the original officer report to be contrary to ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005). Furthermore, the proposal by reason of the number of dwellings proposed would generate the need for a financial contribution in respect of affordable housing, although the application provided no mechanism for addressing the need for additional provision. The proposal therefore additionally failed to comply with the adopted Developer Contributions Guidance Document (March 2014) which has been adopted by the Council as a 'Material Consideration'.

A copy of the original officer report is appended to this updated officer report for Members' information.

2. Since that meeting the applicant has submitted an Extended Phase 1 Habitat Survey and Report (Preliminary Ecological Assessment) for the site dated June 2014 and also a Unilateral Obligation made pursuant to S.106 of the Town and Country Planning Act (as amended) in relation to affordable housing contributions for the site.
3. With regard to the Extended Phase 1 Habitat Survey and Report, the Survey Findings and Recommendations Summary contained therein state as follows:

“The site is not considered suitable to provide potential habitat for great crested newt, and does not contain water bodies. No further surveys have been recommended in respect of this species. Similarly, the site is not considered to provide good quality habitat for reptiles. Given the density of the vegetation on site, and lower potential presence of the species, further surveys in respect of reptiles are not considered appropriate. In addition, it should be noted that reptile surveys utilising artificial refugia would not be practical or even possible due to the very dense, high growth of vegetation. Therefore, in line with the recommendations relating to site clearance, badgers and nesting birds, it is advised that a careful site clearance be undertaken, under ecological supervision where considered appropriate, given that the presence of a transitory reptile cannot be completely ruled out. Given the density of the vegetation,

it is not possible to identify whether badgers utilise the site. As such, precautionary site clearance methods in line with the recommendations provided in section 5.2 have been made. Appropriate recommendations/due diligence in respect of nesting birds, and ecological enhancements have been made in section 5.2 of the report June 2014, page 4 of 31.

It is concluded that the proposals can proceed without detriment to any legally protected species provided the guidance within this report (section 5.2) is fully adhered to”.

4. ECC Ecology have been consulted on the submitted ecology assessment document and have stated that they have no objections to the proposal based upon its findings subject to suitable conditions relating to bats (lighting), nesting birds, badgers and reptiles and adherence to the recommendations made on page 18 of the assessment relating to site enhancement in order to provide additional habitat for both roosting bats and nesting birds.

Given the response from ECC Ecology in light of the ecology assessment received, the proposal is now considered to comply with ULP Policy GEN7 and, as such, refusal reason 2 of the original officer report as recommended is now removed from the revised recommendation for this updated report.

5. The Unilateral Obligation now received from the applicant’s solicitors states that the applicant agrees to pay the Council affordable housing contributions in the sum of £50,000, index linked, to be paid by the Owner to the Council in accordance with the terms of the agreement and to be applied by the Council towards the provision of affordable housing within its administrative area. The submitted agreement is currently receiving the attention of the Council’s Legal Services in terms of its contents and specific wording. However, refusal reason 3 of the original officer report as recommended is now removed from the revised recommendation for this updated report given the financial undertaking now made by the applicant in relation to the proposal.
6. Notwithstanding the above made changes to the original officer report recommendation as a result of the receipt of these submission documents for consideration, your officers still remain of the view as stated in the original officer report appended that the site represents an unsustainable form of residential development at this ribbon development location. As such, refusal reason 1 of the original officer report still remains in place and is carried forward with a modified officer recommendation, namely:

RECOMMENDATION – REFUSAL

Reason:

The site is situated within an unsustainable settlement location outside development boundaries which does not have access to local services and where it is likely that most trips to and from the site would be generated by motor car. Furthermore, the residential development of this undeveloped site would cause environmental harm where the proposal is not considered to amount to a sensitive infill of a small gap in a small group of existing dwellings within this settlement. The development would detract from the site’s open and spacious appearance, would consolidate development and contribute to the erosion of the loosely knit character of this part of Henham Road to the detriment of the rural landscape. As such, the proposal would be contrary to the sustainability aims of the NPPF and the countryside protection aims of ULP Policy S7.

Officer report 4 June 2014

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1. NOTATION

1.1 Outside Development Limits.

2. DESCRIPTION OF SITE

2.1 The site is situated at Debden Green on the northern side of Henham Road approximately 115 metres from the junction with Bolford Street and comprises an overgrown and undeveloped roughly square parcel of land with road frontage comprising 0.13ha lying between Wisteria House and The Firs. This small hamlet contains a line of dwellings along both sides of the road leading out from Bolford Street where The Firs, a bungalow, represents the last dwelling on the northern side of the road.

3. PROPOSAL

3.1 This outline application proposal relates to the erection of 2 No. detached dwellings with associated access and garaging with all matters reserved.

3.2 An indicative drawing submitted with the application shows the type of dwellings that could be accommodated on the site where these would be two storey in height, have a traditional design and appearance with L shaped plan form of similar footprint and gabled roofs with a ridge height of 7.5 metres. The dwellings are each shown as four bedroomed. A detached garage for each dwelling is shown to the rear of each plot which it is stated would be served by a single, central access point.

4. APPLICANT'S CASE

4.1 The application is accompanied by a Design and Access Statement which describes the site and its surroundings and the reasoning and policy justification for the proposed development. The conclusions from the statement (summarised) are as follows;

- The site no longer appears as an attractive wooded enclave permeating into the streetscene with a frontage hedgerow previously remarked upon by an appeals Inspector. It is now a scrappy parcel of land with no frontage hedge and no trees with only self-seeded shrubs that is used as a dumping ground for garden rubbish.
- The proposal site comprises a suitable and well defined infill plot within the built up part of the hamlet where the development can be carried out without harm to the rural character of the area.
- There are no material changes in circumstances at the site since the previous appeal decision. The gap between existing development either side of the site has been narrowed from 65 metres to 42 metres due to the 1½ storey garages that have recently been constructed for both the adjoining dwellings. The reduction in the frontage gap of over 30% is considered material ensuring that the site is now a limited gap in a built-up frontage.
- The illustrative layout and elevations demonstrate that two dwellings can be erected without harm to the rural character of the area where they would respect the scale and character of surrounding housing contributing positively to the area. Landscaping would take place to secure further development.
- The site is very well served by local bus services in Bolford Street ensuring the development is sustainable.
- ULP Policy S7 adopts a protective environment stance to the environmental dimension of sustainable development whilst the NPPF takes a more positive approach to development in rural areas where it recognises that housing should be located where it will enhance or maintain the vitality of rural communities to promote sustainable development.

5. RELEVANT SITE HISTORY

- 5.1 Development of land for chalet bungalow at Part OS No 275, Land adj Asmara refused in 1970. Outline application for dwelling and garage and construction of new access refused in 1986. Outline application for a bungalow refused and dismissed on appeal in 2000. Outline application for one dwelling and garage with all matters reserved except access refused in 2006 and dismissed on appeal in 2007 (UTT/1543/06/OP). Outline application for two dwellings and garages with all matters reserved except access refused in 2006 and dismissed on appeal in 2007 also (UTT/1545/06/OP) (joint appeals decision).
- 5.2 Both of the 2006 applications were refused on the grounds that the site was considered to be in an unsustainable rural location remote from local services and that the site is not situated within a substantially built-up frontage and not amounting to a genuine infill plot where the dwelling/s would detract from the site's open and spacious appearance, would consolidate development and contribute to the erosion of the loosely knit character of this part of Henham Road to the detriment of the rural landscape. Additionally, UTT/1543/06/OP was refused as the indicated design and scale of the single dwelling would be out of keeping with those of adjacent dwellings and would represent incongruous development in the streetscene, whilst UTT/1545/06/OP was refused as it had not been demonstrated that the site is capable of accommodating two dwellings and garages without effectively filling the width of the site with built form where the development would appear unacceptably cramped and out of keeping with the more loose-knit pattern of the streetscene and the more open and spacious character and appearance of adjacent plots on the north side of Henham Road.
- 5.3 In the appeal decision letter for both appeals, the Planning Inspector remarked that the site is remote from local services and jobs, albeit acknowledging the details submitted with the application regarding the availability of public transport, and that the site was

therefore within an unsustainable location. The Inspector also remarked that the scale of the gap in the development frontage of the site was substantial and could not be described as small where circumstances had not substantially changed since a previous appeal relating to development of the site had been dismissed in 2001, notwithstanding there had been further development in the vicinity, adding that vegetation had been cleared, but that this had not altered the proportions of the site. To this end, the Inspector stated at para 3 that *"I agree entirely with the previous Inspector and consider that the site represents a large gap in a relatively short length of development frontage. As it does not represent a small gap, its development would be contrary to Policy S7"*. The Inspector agreed with the Council that the development would consolidate built form on the north side of Henham Road, which would be detrimental to the character and appearance of the area. The Inspector noted that there was a dispute over whether the site was previously developed, but added that there was no presumption that such land is necessarily suitable for housing development in any event, concluding that there were not sufficient grounds to outweigh the concerns expressed that the proposals would be harmful to the character of the area.

6. POLICIES

6.1 National Policies

National Planning Policy Framework (NPPF).

6.2 Uttlesford District Local Plan 2005

- ULP Policy S7 – The Countryside
- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design
- ULP Policy GEN7 – Nature Conservation
- ULP Policy GEN8 – Vehicle Parking Standards
- ULP Policy H10 – Housing Mix

6.3 Uttlesford Local Plan – Pre-Submission Consultation, April 2014

- Policy SP1 – Presumption in Favour of Sustainable Development
- Policy DES1 – Design
- Policy SP7 – Housing Strategy
- Policy HO5 – Residential Development in Settlements without Development Limits
- Policy SP8 – Environmental Protection
- Policy EN10 – Sustainable Energy and Energy Efficiency
- Policy SP9 – Protection of the Countryside
- Policy SP11 – Protecting the Natural Environment
- Policy NE1 – Protecting and Enhancing the Natural Environment
- Policy SP12 – Accessible Development
- Policy TA1 – Vehicle Parking Standards

7. PARISH COUNCIL COMMENTS

7.1 Comments not received.

8. CONSULTATIONS

National Grid

- 8.1 The site is in proximity to National Grid apparatus which may impact and possibly prevent the proposal for safety and/or legal reasons (Overhead Lines).

Fisher German LLP

- 8.2 Our client, GPSS, do not have apparatus situated within the vicinity of the proposed development and as such do not have any further comments to make (Pipelines).

ECC Highways

- 8.3 No highway objections. Informative: Should permission be granted for this outline application, the applicant should note that when submitting the reserved matters application for access that it will be necessary to include speed survey data that demonstrates that the appropriate visibility splays can be achieved for the speed of the road.

Access and Equalities Officer

- 8.4 Reserved matters application will need to meet the requirements of the SPD on Accessible Homes and Playspace. Entrance level WC's will need to meet the requirements for Lifetime Homes if approved.

9 REPRESENTATIONS

- 9.1 6 representations received; 5 object, 1 neither for nor against. Notification period expired 19 May 2014 (extended). Site Notice expired 25 April 2014.
- Permission has been refused on three separate occasions for residential development at this location. Do not understand what has changed this time to grant approval to undermine the previous decisions where the evidence put forward by the applicant is not persuasive;
 - The site does not represent sustainable development. There are no local shops or recreation facilities within the hamlet. Debden Green is not well served with public transport. Route 312/313 runs a maximum of six services on weekdays reducing to three on a Saturday and no services on a Sunday. The limited public transport will encourage additional car use within the area;
 - The land, although cleared of woodland in 2005 following the wholesale clearing of the site by the owners has now naturally regenerated with an ecology base;
 - The site represents a natural break in housing on the north side of the road. The proposed access would potentially necessitate the removal of the remaining frontage hedgerow;
 - The proposed dwellings would be out of context in terms of scale and proportion with surrounding dwellings and create overlooking of opposite properties which are situated at lower level;
 - The road at this point is narrow without any footpath and any additional vehicular access points on the road will be unsafe for both drivers and pedestrians;
 - Insufficient parking has been shown for the proposed dwellings. The proposal could therefore lead to on-street parking where this would not be desirable.
 - Mains sewerage and gas are not available in Debden Green and large tankers have to collect waste and deliver fuel;
 - Drainage from existing properties on the north side of Henham Road is inadequate. Proposed dwellings would exacerbate the drainage problem;

- The assessment to flood risk asks if the proposal is within 20m of a watercourse, which the site is and there is no mention of how surface water would be disposed of. Local flooding occurs, which would increase if the frontage ditch is removed;
- Disruption to daily lives during building construction if approved;
- The accompanying biodiversity questionnaire is factually incorrect as it states that the development is not in a setting which features woodland, scrub, ponds or ditches, when in fact it is. It states that the development would not involve the removal of scrub or trees and it would. It also states that the proposed development is not adjacent to an area of rough grassland when in fact it is adjacent to the green of Debden Green;
- Proposal would set a local building precedent;
- The only purpose for this development is for personal gain through speculative development for the applicant who now owns this plot of land after purchasing it for a very low price in the hope of a return on his investment;
- Applicant's agent states that local opinion is in favour of development on the site, but no local canvassing has taken place to demonstrate this.

10. APPRAISAL

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

- A Principle of development (NPPF and ULP Policy S7);
- B Whether the proposal would be harmful to bio/diversity/protected species (ULP Policy GEN7);
- C Access, design and parking (ULP Policies GEN1, GEN2 and GEN8);
- D Housing mix (ULP Policy H10).
- E Other Matters: Affordable housing financial contributions.

A Principle of development (NPPF and ULP Policy S7).

10.1 The site lies outside development limits where Debden Green represents a hamlet comprising effectively a single stretch of dwellings along 250 metres of Henham Road along both sides of the road leading out from the Bolford Street junction where the most number of dwellings lie on its south-eastern side. There is a distinction between the tighter-knit pattern of development on the southern side of the road compared to the northern side where the site is located where this side contains a dispersed row of just six dwellings and where the site forms a green overgrown space between Wisteria House and The Firs.

10.2 There are no local services or facilities within the hamlet and the site is therefore regarded as being in an unsustainable location for new housing where this view was previously held by the appeals Inspector for the two 2006 refused applications for one dwelling and two dwellings at the site respectively (see Planning History above). Since the refusal of those applications, Planning Policy Statements and Planning Policy Guidance Notes under which those applications were considered have been replaced by the National Planning Policy Framework (NPPF) (2012), which has a presumption in favour of sustainable development at its heart and, most recently, National Planning Policy Guidance (NPPG) (2014). The NPPF has three strands of sustainability under which application proposals are required to be assessed, namely economic, social and environmental.

- 10.3 It is accepted that the site proposal does not represent a pair of isolated dwellings in the countryside needing exceptional justification in this regard. The site lies equi-distant approximately 2.7 kilometres between Debden to the north and Thaxted to the south, both which enjoy a relatively high level of local service provision and where Thaxted is identified as a Key Rural Settlement in the current local plan. However, whilst it is acknowledged that bus services run along Bolford Street at the bottom of Henham Road where a bus stop is within walking distance of the site (115 metres to the junction), the site is located more than 1 kilometre from these villages and not within walkable distance of them and the proposal would be contrary to the sustainability aims of the NPPF in terms of both social sustainability where there would still be reliance upon the motor car at this rural location and under the environmental test where the residential development of the site would cause environmental harm contrary to the environmental strand of the NPPF.
- 10.4 The site consists of a green gap between the penultimate and last dwellings on the northern side of Henham Road leading out and it is considered that this gap provides a natural break between built form along this section of the road. Furthermore, it is maintained as before that the site does not represent a *sensitive* infill of a small gap in a small group of houses as described by para 6.14 of the Housing Chapter of the local plan where this view was previously held by the Inspector for the 2006 appeals where he remarked that the scale of the gap in the development frontage of the site was substantial and could not be described as small. The comments from the applicant's agent are noted with reference to the fact that a 1½ storey garage outbuilding now exists along the road frontage to the side of Wisteria House on the right hand side of the site and that a storage/workshop outbuilding has very recently been constructed with planning permission on the flank boundary of The Firs on the left hand side of the site where it could be argued that the perception of space has slightly lessened because of this. However, the width of the proposal site itself has not been reduced since the 2006 appeals where this measures 38 metres across when scaled off the applicant's Block Plan drawing and it is considered that the previous comments by the Planning Inspector regarding both the size and appearance of the site are as relevant today as then. As such, it is considered that the proposal is contrary to ULP Policy S7, which seeks to protect the countryside for its own sake where the development would detract from the site's open and spacious appearance, would consolidate development and contribute to the erosion of the loosely knit character of this part of Henham Road to the detriment of the rural landscape.

B Whether the proposal would be harmful to bio-diversity/protected species (ULP Policy GEN7).

- 10.5 The site currently comprises an overgrown regenerated parcel of land where the Council understands it had been previously more wooded prior to the 2006 applications. The majority of the site now appears to be self-seeded containing sapling trees and thick vegetation. The applicant has completed a bio-diversity questionnaire, which infers from the responses that the proposal would not have a harmful effect on protected habitats and species where "No" has been stated to the questions in the section where potential for habitats could arise, including to the question "*Does the development site affect, or is adjacent to, an area of rough grassland, scrub or derelict land.*" Whilst it may be the case that a site walkover was conducted, there is no supporting statement to this effect and the applicant has not submitted a Preliminary Ecological Assessment to show that the site does not provide a natural habitat for protected species where it could be for example that the site contains suitable hibernacula for reptiles etc given its present condition. Given the absence of such supporting details, it is considered that the proposal would be contrary to ULP Policy GEN7 based upon the precautionary principle.

C Access, design and parking (ULP Policies GEN1, GEN2 and GEN8).

- 10.6 Matters relating to access, layout, scale, appearance and landscaping have all been reserved for detailed application stage where the plans submitted for the current outline application are for indicative purposes only. However, due consideration has to be had to these matters to establish whether the proposal would be acceptable were Members to agree to the principle of residential development at this rural site.
- 10.7 It is indicated that vehicular access into the site would be via a shared access point albeit that details are not shown where the introduction of a single access point onto this Class 3 road would be preferable than two separate access points if this could be avoided. Site visibility in both directions along Henham Road is reasonable and no highway objections have been received in principle from ECC Highways subject to speed data being submitted at reserved matters stage to show that required visibility can be achieved.
- 10.8 In terms of design, the proposal still indicates two storey development for the site where two storey dwellings were shown for the 2006 refused applications where the ridge lines for those dwellings would have been just below the ridge line of Wisteria House situated to the right. The current proposal shows the ridge line of the proposed dwellings to be consistent with the ridge of Wisteria House. The group of dwellings at Debden Green is mixed incorporating both single storey and two storey scale, although with a propensity for single storey towards the end of the dwellings on the south side of the road and with a bungalow at the end on the north side (The Firs). It is considered that Plot 1 nearest to The Firs should be 1½ storey rather than two storey to provide a graduation in scale from The Firs to Wisteria House and to continue this mix of styles, although in other respects the design of the dwellings would be acceptable where they would follow a traditional style. Scale could be negotiated at reserved matters stage should planning permission be granted for the proposal. Lifetime Homes requirements would need to be considered at detailed stage also. The rear garden amenity areas for each dwelling would as indicated comply and exceed Essex Design standards. The dwellings by their frontage positioning are unlikely to have an adverse effect on adjacent residential amenity. As such, the proposal would comply with ULP Policy GEN2 in this respect.
- 10.9 Levels of parking and size of garaging for each dwelling would be required to meet currently adopted parking standards. The indicative site layout would appear to show that this could be achieved. The proposal would therefore comply with ULP Policies GEN1 and GEN8 in this respect.

D Housing Mix (ULP Policy H10).

- 10.10 The site marginally exceeds 0.1 of a hectare (0.13ha) and strictly requires to be considered under the provisions of ULP Policy H10, which states that all developments on sites of 0.1ha and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. However, given that the site is only just over the size threshold and that the proposal involves the erection of only two dwellings, it is considered that the application of ULP Policy H10 would not be appropriate in this instance.

E Other Matters: Affordable housing financial contributions.

- 10.11 This proposal for two new dwellings attracts a financial contribution towards affordable housing where the Developer Contributions Guidance Document (March 2014) has

been adopted as a 'Material Consideration'. However, no agreement has been entered into between the applicant and the Council whereby the applicant has agreed to pay a financial contribution for the proposed development.

11 CONCLUSION

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

- A The site is situated within an unsustainable settlement location outside development boundaries and the residential development of this undeveloped site would cause environmental harm where the site is not considered to amount to a sensitive infill of a small gap in a small group of existing dwellings within this settlement. As such, the proposal would be contrary to the sustainability aims of the NPPF and the countryside protection aims of ULP Policy S7.
- B Insufficient information has been submitted with the application to demonstrate that the proposed development would not have a harmful effect on protected species given the site's condition. As such, the proposal would be contrary to ULP Policy GEN7.

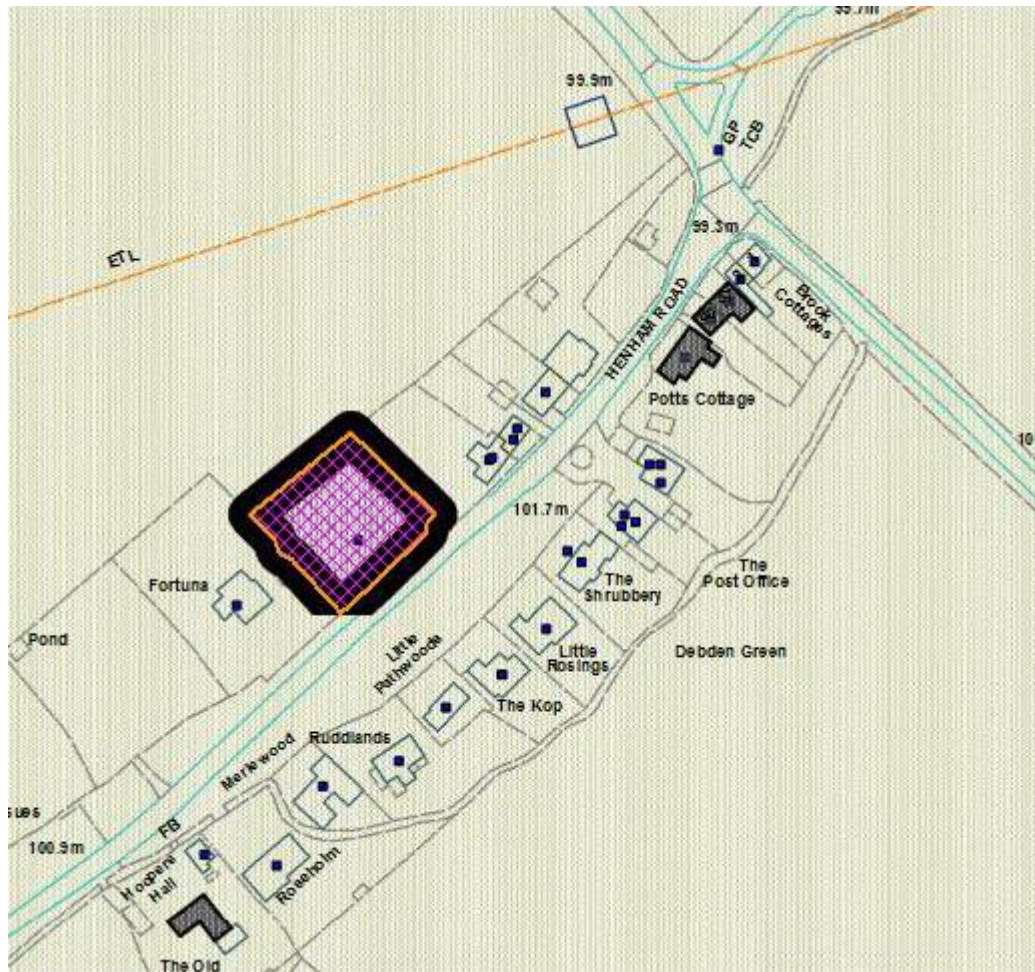
RECOMMENDATION – REFUSAL

Reasons

1. The site is situated within an unsustainable settlement location outside development boundaries which does not have access to local services and where it is likely that most trips to and from the site would be generated by motor car. Furthermore, the residential development of this undeveloped site would cause environmental harm where the proposal is not considered to amount to a sensitive infill of a small gap in a small group of existing dwellings within this settlement and where the development would detract from the site's open and spacious appearance, would consolidate development and contribute to the erosion of the loosely knit character of this part of Henham Road to the detriment of the rural landscape. As such, the proposal would be contrary to the sustainability aims of the NPPF and the countryside protection aims of ULP Policy S7.
2. Insufficient information has been submitted with the application to show that the proposed development would not have a harmful effect on protected species given the site's condition. As such, the proposal would be contrary to ULP Policy GEN7.
3. This proposal 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. The proposal therefore fails to comply with the adopted Developer Contributions Guidance Document (March 2014) which has been adopted as a 'Material Consideration'.

Application no: UTT/14/0749/OP

Address: Land South West of Wisteria House, Debden Green, Debden



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Scale: 1:1,567

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