

UTT/14/2333/FUL (DEBDEN)

(Referred to Committee by Councillor Knight as outside development limits, destroy rural character, increase in traffic, safety of pedestrians and access not suitable)

PROPOSAL: **Erection of 2 detached dwelling with associated access and garaging.**

LOCATION: **Land south of Hill House, Church Lane, Debden,**

APPLICANT: **Mr & Mrs McCahill**

AGENT: **Mr Ian Abrams**

EXPIRY DATE: **3 October 2014**

CASE OFFICER: **Samantha Heath**

1. NOTATION

1.1 Outside development limits.

2. DESCRIPTION OF SITE

2.1 The application site comprises a parcel of land between two existing dwellings, to the south-west of Hill House. This host dwelling is a large detached rendered house with concrete tiled roof on a triangular shaped plot. The parcel of land fronts Church Lane and is approximately 38m wide and 36m deep narrowing to 18m, there is an existing vehicular access point. Trees run along the rear boundary that abuts agricultural land. Beyond the site are two detached houses and beyond these are further dwellings and the Church.

3. PROPOSAL

3.1 It is proposed to erect two detached dwellings with associated access and garaging on this site. They are proposed to be set back from the lane by 7m to reflect the building line of the adjacent cottages, with each dwelling having its own vehicular access, parking and turning area and single garage. Plot 1 would have maximum dimensions of 12m in width and 10.7m in depth, an eaves height of 4.9m and a maximum ridge height of 8.6m. Plot 2 would have maximum dimensions of 9.7m in width and 12.4m in depth, an eaves height of 4.9m and a maximum ridge height of 8.9m. They are T-shaped in plan form, with narrow span under steeply pitched clay roofs with rendered and boarded walls and timber fenestration. They would have two-storeys and three bedrooms.

3.2 Access to the site will be from Church Lane and a garage and two parking spaces will be provided for each unit.

4. APPLICANT'S CASE

4.1 See Planning Supporting Statement.

5. RELEVANT SITE HISTORY

5.1 None

6. POLICIES

6.1 National Policies

- National Planning Policy Framework (2012)

6.2 Uttlesford District Local Plan 2005

- Policy S7 – The Countryside
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN7 – Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- UDC Parking Standards
- SPD– Accessible homes and Playspace
- Developer Contributions Guidance Document

7. PARISH COUNCIL COMMENTS

7.1 Debden Parish Council strongly opposes the above application for the following reasons:

- Church Lane, apart from use by households, is in constant use by rambling associations and walkers using the Harcamlow Way for 400 metres, a National/County Trail and Recreational path, to reach other paths. It is inconsistent to allow additional and maybe heavier and wider vehicles to use this lane when in parts it is 2.1 metres wide and without provision for the safety of walkers and pedestrians.
- In the stretch of lane outside Park House for 75 metres the road has collapsed consequently reducing the metalled road to 1.9 metres. More traffic would cause immense damage to this section and to other parts of Church Lane already eroding.
- The Parish Council is extremely concerned with the difficulties which will be caused by the type of vehicles used in the development of two additional, 3 bedroom houses, and the increase of traffic afterwards. There is no need for us to broach the obvious and evident presence of our Primary School and the constant comings and goings. Lorries turning into Church Lane from the High Street will have to back out into the High Street if vehicles are coming up the hill. The reversing of lorries into the High Street will be a traffic hazard. We cannot, but worry for the safety of our children if permission is given.
- The route through Church Lane, always in use, at the moment is hazardous and more traffic will exacerbate the problem.
- Church Lane is an old road, part of the Harcamlow Way, leading to a historical Church and has a beauty of its own. We wish to preserve its rural character.

We would request that the Planning Committee make a formal visit to the proposed site before this application is considered.

Expired 05.09.14

8. CONSULTATIONS

ECC Ecology

- 8.1 I have no objections. The recommendations provided on Page 2 of the Ecological Report (dated 2nd September 2014) should be adhered to.

ECC Highways

- 8.2 The Highway Authority would not wish to raise an objection to the above application as shown in principle on Drawing No. 73213.01 subject to conditions.

NATS

- 8.3 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

Natural England

- 8.4 Statutory nature conservation sites – no objection
This application is in close proximity to the Debden Water Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Access and Equalities

- 8.5 This will be acceptable on this particular dwelling and this application.

9. REPRESENTATIONS

- 9.1 35 Neighbours were notified. Consultation expired 01.09.14.

24 letters of objection received– outside development limits, Church Lane is very narrow, intensification of use of this substandard lane would be hazardous to highway safety and residential amenity, close proximity to a locally busy junction at the top of the lane, Church Lane is part of Harcamlow Way popular with cyclists and walkers and its character will be spoilt, proposed houses will be out of character, destruction of natural habitat, damage to banks of narrow lane, set precedent for future development, no mains drainage loss of privacy, overlooking, block natural light, Council can demonstrate 5 year housing supply so this is not needed, site was cleared in preparation, construction traffic would cause highway safety issues, proximity to listed buildings.

10. APPRAISAL

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

- A The principle of development of the site. (NPPF and ULP Policy S7).

- B Design and visual impact (ULP Policies S7 and GEN2).
- C Impact on residential amenity (ULP Policy GEN2)
- D Whether parking provision and access is satisfactory (ULP Policies GEN1 and GEN8 and UDC Parking Standards)
- E Impact of the proposal on Protected Species (ULP Policy GEN7)
- F Affordable Housing Contributions (Developer Contributions Guidance Document)

A The principle of development of the site

- 10.1 The site is located outside of the development limits for Debden and as such is within the Countryside where ULP Policy S7 applies. This is a restrictive policy which seeks to protect the character of the countryside for its own sake and planning permission will only be granted for development that needs to take place there or is appropriate to a rural area. The policy normally excludes new residential development unless this relates to allocated or exception sites or comprise rural workers dwellings.
- 10.2 This part of Church Lane is characterised by detached frontage dwellings along the southern side of the lane where such dwellings lie within close proximity to the site, beyond these houses the lane changes to be more open with several other isolated properties and the Church. Past the site and Hill House towards the village the lane is enclosed with trees and hedges. The proposed dwellings would be set back from the lane by 7m to reflect the building line of the adjacent cottages and would have a traditional vernacular design commonly seen in this rural district. Views into the site would be dispersed by existing mature vegetation along the rear boundary which is to be retained by the proposal. It is considered from this that the development would not result in the erosion of the particular rural character of the countryside at this edge of village location.
- 10.3 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 simply a protective one, to appropriate development in rural areas. Policy S7 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 Policy S7 and this must be weighed against other and wider sustainability principles.
- 10.4 While Uttlesford can demonstrate an adequate 5 year supply of housing land, it is important for the Council to continue to consider, and where appropriate, approve development which is sustainable, to ensure delivery in the future and to ensure that the level of housing supply is robust and sustained over time in the years to come.
- 10.5 Debden is defined as Type A rural settlement in the emerging Plan, that is a village with primary school with some local services – suitable for a scale of development that would reinforce role as a local service centre. Debden is considered to represent a sustainable location for new development. There is a shop, school, services and bus stops within walking distance to enable travel to neighbouring villages and towns and to

Stansted Airport where there is ease of access to London and beyond. Whilst it is accepted that Church Lane is a single track lane with no footpaths, the site is at reasonable walking distance to the centre of the village and is located within a sustainable village.

- 10.6 Taking into account the pattern of development surrounding the site, the compatible design of the proposed dwellings, the need to maintain a five year land supply and the fact that the site is within a sustainable position, it is considered that the current application proposal cannot reasonably be resisted in this instance and that the proposal is acceptable in principle.

B Design and visual impact

- 10.7 The proposed three bedroom dwellings are moderate in scale. It is not considered that the proposal would be unduly out of keeping with the character of the existing dwellings in this locality. The neighbouring dwellings are of similar size in footprint and scale. The design follows the vernacular characteristics of properties typical of this region, this design would not be out of keeping with the street scene or detrimental to the character and appearance of the surrounding area. The dwellings by their design and layout meet Lifetime Homes Standards, whilst the rear garden areas would meet and exceed Essex Design Standards in terms of private amenity space for a three bedroomed dwellings. Proposed parking provision, which includes a garage on each plot, meets and exceeds adopted local parking standards. Whilst new dwellings would not usually be permitted in a rural location, given the scale of dwellings in the surrounding area, it is not considered that such development could be resisted in this instance.
- 10.8 The external materials of the property are proposed to be brick plinth with painted horizontal timber boarding and painted render. There are many houses in the locality that have a this finish. Supporting information states that the external materials would be of good quality. Views of the new dwelling would be dispersed by existing mature vegetation along the rear boundary which is to be retained and further landscaping to the side and frontage boundaries can be conditioned as part of a landscaping condition to help screen the development.
- 10.9 Taking all of the above into account, in this instance, it is not considered that the impact of the proposal on the visual amenities of the locality would be so great that permission could be refused on this basis.

C Impact on residential amenity

- 10.10 With regard to impact on residential amenity, there is one neighbouring dwelling to the west that has a common boundary to the plot and the proposal has been designed to minimize the impact on this dwelling. The gable end of the proposed dwelling is sited 10m away from the boundary with the neighbour with the rear projecting element sited further away than that, this will ensure that there will be no overshadowing or over bearing impact. In addition the proposal has no openings in the side elevation; it is therefore considered that there will be no significant overlooking impact to immediate neighbours.
- 10.11 The neighbour raises concerns regarding rear windows overlooking the garden, this can be mitigated by a landscaping condition that could ensure appropriate boundary treatment.
- 10.12 In consideration of the above therefore, it is believed that there would be no material significant overlooking, overshadowing or over bearing effect.

10.13 The amenity of neighbouring residents is to be considered with regard to traffic movement, associated noise and disturbance. The land appears to be currently unused but could be used in association with the neighbouring dwelling Hill House with associated activity and disturbance. The introduction of new dwellings would result in vehicle movements closer to neighbouring properties, however, vehicle movements are already associated with the existing dwellings, school and church close by. No objection is therefore raised.

D Whether parking provision is satisfactory

10.14 Access would be via the existing access point and the introduction of an additional point off Church Lane. Neighbours raise concerns over the intensification of use of this road, however as the Highway Authority has no objection to the proposal it is difficult to substantiate any weight to this argument. Neighbours also comment that a previous application using this road was refused in 2004 however Policies have changed since this decision was issued. Adequate parking provision is provided to meet and exceed the parking standard.

10.15 The site is sustainable with regard to the availability of public transport and services within walking distance. The erection of two dwellings would not generate a volume of traffic that would impact on the surrounding transport network.

10.16 Neighbours comment on the congestion issues that exist currently on Church Lane, this is an existing situation that the developer cannot address or indeed be expected to. It is considered that the parking provision provided on site is sufficient and that the provision of additional dwellings in this location will not significantly exacerbate this existing situation.

10.17 Neighbours also raise concerns regarding construction traffic, it is considered that given the narrowness of the lane and the frequent number of users of it that it would be prudent to attach a construction management plan condition to alleviate any issues that may arise during construction.

E Impact of the proposal on Protected Species

10.18 With regard to ecology, the applicant has submitted an Ecological Report and ECC Ecology have no objections providing the recommendations on page 2 of the Ecological Report (dated 2nd September 2014) are adhered to.

F Affordable Housing Contributions (Developer Contributions Guidance Document)

10.19 In June 2013 the Council adopted a guidance document in respect of developer contributions. The Council has adopted a Housing Strategy (2012) which sets out the Council's approach to housing provision over the next three years. The Council commissioned a Strategic Housing Market Area Assessment which identified the need for affordable housing market type and tenure across the district. The Strategic Market Area Assessment supports the provision of a range of affordable housing and suggests that a financial contribution should be made on sites of 1-4 dwellings. It states that on a 2 unit development a contribution that equates to 40% of the cost of 1 affordable unit for the locality should be made i.e. £50,000. The applicant has agreed to pay this contribution and a unilateral undertaking has been signed.

11. CONCLUSION

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

The proposal is considered to be in accordance with the relevant Uttlesford Local Plan policies and the application is recommended for approval.

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 freeholder owner enters into a binding obligation 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 obligation to secure the following:**
- (i) secure contribution towards affordable housing**
 - (ii) pay Council's reasonable costs**
 - (iii) pay monitoring costs**
- (II) In the event of such an obligation being made, the Assistant Director Planning and 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 obligation by 31 October 2014, the Assistant Director of Planning and Building Control shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:**

(i) lack of contribution towards affordable housing

Conditions/reasons

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. Before development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-
 - a) proposed finished levels [earthworks to be carried out]
 - b) means of enclosure
 - c) hard surfacing, other hard landscape features and materials
 - d) existing trees, hedges or other soft features to be retained
 - e) planting plans, including specifications of species, sizes, planting centres, number and percentage mix

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005.

3. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be identified clear of the highway. Details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that appropriate loading/unloading facilities are available so that the highway is not obstructed during the construction period in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005

4. Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 5 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

5. The gradient of the proposed vehicular accesses shall be not steeper than 4% (1 in 25) for the first 6 metres from the highway boundary and not steeper than 8% (1 in 12.5) thereafter.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

6. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped and in the interests of the amenity of the occupiers of adjoining dwellings/buildings in accordance with Policies GEN2 and ENV2 of the Uttlesford Local Plan (adopted 2005). Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

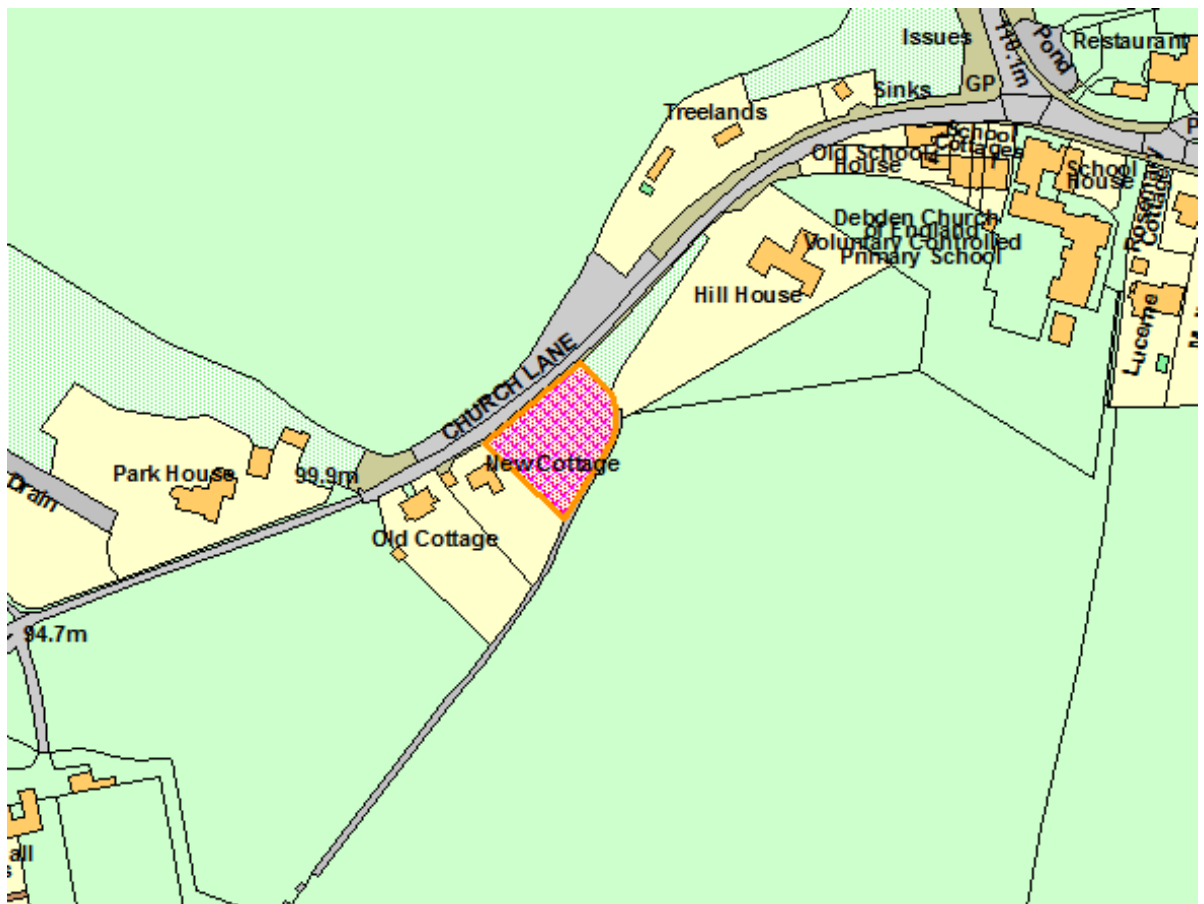
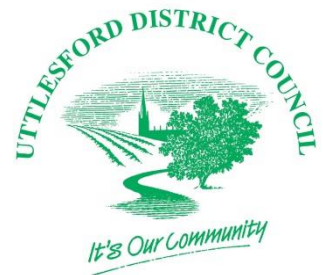
REASON: In the interests of the amenity of surrounding residential premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

9. The mature trees around the site perimeter should be retained and protected as part of the development and kept unilluminated after dark to maintain their potential value for nocturnal wildlife such as bats and owls.

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 Uttlesford Local Plan Policy GEN7, adopted 2005.

Application No. : UTT/14/2333/FUL

Address: Land South of Hill House
Church Lane, Debden



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Organisation: Uttlesford District Council

Department: Planning

Date: 2 October 2014

SLA Number: 100018688