

UTT/15/1201/FUL (TAKELEY)

Application called in by Cllr Parr if recommended for refusal by officers for the reason that it would result in potential benefits for the local community.

Application called in by Cllr Jones if recommended for approval by offices for the reason that the proposal would result in back land development and be detrimental to the countryside.

This application was deferred at the previous planning committee meeting held on the 1st of July 2015 to allow members to undertake a site inspection.

PROPOSAL: **Erection of new dwelling and associated work**

LOCATION: **Land East of Bellstock, Molehill Green, Takeley**

APPLICANT: **Mr James Salmon**

AGENT: **No agent details were submitted with the application.**

EXPIRY DATE: **1st July 2015**

CASE OFFICER: **Lindsay Trevillian**

1. NOTATION

1.1 Outside development limits, Countryside Protection Zone

2. DESCRIPTION OF SITE

2.1 The application site as outlined in red on the submitted location plan is located on the edge of the small settlement known as Molehill Green. The site itself is relatively level, long and narrow in shape and is approximately 0.12 of a hectare in size. Apart from a small derelict timber framed outbuilding, the site is vacant of any built form.

2.2 The site is accessed via an unmade track which provides access to the cricket ground to the east of the site. The site known as 'School Villas' abuts the western boundary of the site which also uses the unmade track for access. A linear row of housing fronting onto Chapel End is located further beyond to the west of the site. Additional housing that fronts onto School Lane is located south of the site. A large open field used for agricultural is located to the north.

3. PROPOSAL

3.1 Planning permission is sought for the construction of a single detached one and a half storey dwelling that would contain 4 bedrooms.

3.2 The principle elevation of the new dwelling house would front onto the unmade track. At its closest point, it would be setback set back 8m from the unmade track and 4m from the eastern side boundary. The main form of the dwelling would be 'L' shaped with a single storey rear element. It would measure 13m wide by 12m in depth with a building footprint of approximately 146sqm. The dwelling would have a maximum height of 6.6m and it would consist of a half hip, half gable roof form with a rear gable end projecting feature. It is proposed that the external appearance of the dwelling would be finished from clay roof tiles with facing brickwork and render walls.

- 3.3 In addition, it is proposed to construct a single storey detach garage to the western side of the new dwelling to provide an undercover parking and storage area.
- 3.4 A new hedgerow and tree planting is proposed along the eastern side and rear boundaries to provide screening for the private garden area to the rear of the new dwelling.

4. APPLICANT'S CASE

- 4.1 Along with the submitted application form and relevant plans, the applicant has provided a planning statement in support of a planning application to illustrate the process that has led to the development proposal, and to explain and justify the proposal in a structured way.
- 4.2 The applicant concludes that the proposal does not represent inappropriate development within the countryside and that it complies with the 3 strands of sustainability. Furthermore it is regarded that the proposal would provide public benefits and it has overcome the concerns raised in previous refused applications by reducing the amount of proposed housing and applying adequate mitigation measures such as landscape buffering.

5. RELEVANT SITE HISTORY

- 5.1 DUN/0106/72 – Site for dwelling (refused 19/6/72)
- 5.2 UTT/0453/80 – Outline application for one bedroom detached bungalow and garage (refused 2/6/80)
- 5.3 UTT/13/1190/OP – Erection of 4 dwellings with all matters reserved (refused and later dismissed at appeal 5/12/13)
- 5.4 UTT/13/2113/OP - Outline application for erection of 4 no. dwellings with all matters reserved (refused 25/9/13)

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S7 – The Countryside
- Policy S8 – The Countryside Protection Zone
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN4 – Good Neighbourliness
- Policy – GEN7 Nature Conservation
- Policy GEN8 – Vehicle Parking Standards

6.3 Supplementary Planning Documents

- ECC Parking Standards (February 2013)
- Uttlesford Local Residential Parking Standards (February 2013)

7. PARISH COUNCIL COMMENTS

7.1 Takeley Parish Council: - Objects

- The proposal is for a substantial 3-4 bed property and would create a backland form of development that would be out of character with the existing linear layout and form of development in this settlement.
- The development would encroach into the open countryside and could set a precedent for similar developments in the future.
- The proposed development would have an adverse impact on the open characteristics of the Countryside Protection Zone.
- The applicant has failed to provide information about means to dispose of foul water/sewage and any provision for waste/recycling facilities.
- The introduction of a private dwelling does not provide public benefits.
- Inappropriate access due to narrow laneway.

8. CONSULTATIONS

ECC Ecology:

- 8.1 No objection – The Preliminary Ecological Assessment provided by T4 Ecology deems no further surveys to be necessary and I agree with the findings.

ECC Highways:

- 8.2 From a highway and transportation perspective the Highway Authority has no comments to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Thames Water:

- 8.3 Sewerage - Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.
- 8.4 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer.
- 8.5 In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. With regard to water supply, this comes within the area covered by the Affinity Water Company.

Airside OPS Limited:

- 8.6 No objection - The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objection to this proposal.

NERL Safeguarding:

- 8.7 No objection - 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:

- 8.8 Natural England has no comments to make regarding this application.

9. REPRESENTATIONS

- 9.1 The application was notified to 40 surrounding occupiers and a site notice displayed. No representations have been received at the time of writing this appraisal.

10. APPRAISAL

The issue to consider in the determination of the application is:

- A Whether the principle of the development is appropriate (ULP S7, S8 and the NPPF);
- B Whether the design and appearance of the proposal is appropriate (ULP Policy GEN2 and the NPPF);
- C Impact on neighbouring amenities (ULP Policies GEN2 & GEN4)
- D Highway safety and parking (ULP Policies GEN1, GEN8 and NPPF)
- E Landscaping, ecology and Biodiversity (ULP policies GEN2, GEN7 and the NPPF)

A Whether the principle of the development is appropriate (ULP S7, S8 and the NPPF);

- 10.1 Any new proposal should aim of securing sustainable development as it is a golden thread running through the Framework. Paragraph 14 sets out a presumption in favour of sustainable development and paragraph 7 provides a definition for planning purposes. This identifies three mutually dependent strands; an economic role, a social role and an environmental role.
- 10.2 The Council is required to favourably consider applications for sustainable development, as set out in the NPPF. In economic terms the proposal would have short term benefits to the local economy as a result of construction activity and as such there would be some positive economic benefit.
- 10.3 In social terms, the Framework requires, amongst other things, that planning creates high quality environments, with accessible local services that reflect the needs of a community. With regard to services, the site is in reasonable walking distance to local amenities such as a school, local shop, village hall, public house and public transport. The proposal would comply with the social aims of the Framework.
- 10.4 The environmental role of sustainable development, as set out in the Framework, requires the prudent use of natural resources, minimisation of pollution and the move to a low carbon economy. The accessibility of the site would result in less vehicle movements and therefore assist in achieving a low carbon economy. In addition the proposal would not result in harm to the historic environment or upon biodiversity.
- 10.5 When considered in the round, against the three-stranded definition in the Framework, it is considered that proposal complies with the aims of the Framework.

- 10.6 In planning policy terms, the site lies outside of any established development limits as defined by the Uttlesford Local Plan. Consequently for the purposes of planning, the site is considered to be within the countryside and subject to all national and local policies.
- 10.7 Policy S7 is a policy of general restraint which seeks to restrict development to that which needs to take place there, or is appropriate to a rural area in order to protect the character of the countryside. This includes infilling in accordance to paragraph 6.13. 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. In addition, the site falls within the countryside protection zone where policy S8 is similar to policy S7 although in addition it also stipulates that development will not be permitted if either the new buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside or it would adversely affect the open countryside.
- 10.8 In the scheme that was recently dismissed at an appeal (ref: UTT/13/1190/OP) and although it was for the construction of 4 dwellings rather than the single dwelling as now proposed, the inspector clear states:
- 10.9 *To my mind, the appeal site visually forms part of the rural surroundings beyond the built confines of this part of Molehill Green. Thus, it provides a pleasant and open backdrop to the built up area. I consider the existing dwellings to the south and west of the site clearly define the edge of the built-up part of the village and the proposal would result in the harmful encroachment of new development into the open and undeveloped land.*
- 10.10 Although the proposal to construct a single dwelling house would result in less harm upon the countryside due to the reduction in built form than the proposal to construct four dwellings that was dismissed at appeal, it is still considered that detrimental harm to the countryside would occur.
- 10.11 Specifically it is regarded that the new dwelling along with its general domestic paraphernalia associated with it would still result in a significant intensification in the built form encroaching into the open countryside and thereby it would still intern cause harm the rural character of the surrounding locality.
- 10.12 In view of the above, the proposal would cause harm to the intrinsic value and beauty of the countryside, this being one of the core principles set out at paragraph 17 of the National Planning Policy Framework.
- 10.13 Within the supporting text of policy S7, it sets out at paragraph 6.13 of the Local Plan that outside development limits, sensitive infilling proposals close to settlements may be appropriate subject to the development being compatible with the character of the surroundings and have a limited impact on the countryside will be considered in the context of Local Policy S7.
- 10.14 For the avoidance of any doubt, it is considered that proposed scheme for the erection of a single dwelling house on this site would not represent infilling but extend into the open countryside.
- 10.15 The Planning Inspector came to the same conclusion under the previous dismissed scheme where they state:

10.16 *The applicant promotes the site on the basis that the development should be regarded as 'infilling' within part of the built up area. However, I do not support that view because the site cannot realistically be regarded as a 'gap' enclosed by development.*

10.17 Furthermore, although it is regarded that there would be no direct coalescence between the airport and the proposed development, it would however conflict with policy S8 in that the proposal would adversely affect the open characteristics of the countryside protection zone.

10.17 Although the applicant has reduce the number of housing on the site from four to one, for the reasons outlined above, the proposal to construct a single dwelling house on the site would be contrary to local polices S7 and S8 and the National Planning Policy Framework.

10.18 It is therefore required to assess whether there are any other considerations that would outweigh the harm in which the proposal would have upon the countryside.

10.19 The applicant has provided justification within their planning statement justifying the reasoning in which why planning permission should be allowed. These reasons include:

- The proposal complies with the three strands of sustainability contained within the NPPF.
- The applicant refers to a number of other housing schemes allowed outside of development limits within the countryside.
- The proposal would result in public benefits to the local community.

10.20 It is acknowledge that the proposal is sustainable and it may provide some limited local benefit to the local economy, however this does outweigh the rural harm that the proposal would have upon the character of the surrounding area. In relation to the other examples of similar schemes allowed by the Council, it should be noted that each scheme should be judged on its own merits and besides, the individual circumstances and characteristics vary significantly from those of the proposed scheme and therefore have been assessed differently.

10.21 Further to the above, the applicant has acknowledged that the proposed dwelling is to be self-built. It is recognised that Central Government are promoting custom build dwellings however it is considered that the benefits of a self-built building would still not outweigh the harm the proposal would have of the character of the countryside.

10.22 It should be noted that similar reasons were presented under the previous application that was appealed. The planning inspector dismissed these reasons as sufficient justification to outweigh the harm the proposal would have upon the character of the countryside.

B Whether the design and appearance of the proposal is appropriate (ULP Policy GEN2 and the NPPF);

10.23 The guidance set out in Paragraph 58 of 'The Framework' stipulates that the proposed development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate development and is visually attractive as a result of good architecture.

- 10.24 Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale, form, layout and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate.
- 10.25 The proposed siting within the street scene would be akin to a traditional street layout with the dwelling house arranged in a traditional street-facing format. Although it would be setback slightly further from the highway than the adjoining bungalow of 'School Villas', it is regarded that this alone would not be at odds to the street scene character in terms of siting.
- 10.26 In terms of the general appearance of the dwelling house, it is not regarded to be the most attractive in terms of its overall design particular in relation to its architectural rhythm and more significantly its design is one which would not be of a typical building that you would find within a rural setting.
- 10.27 The principal elevation of the dwelling contains a central porch feature with identical windows openings positioned either side of it portraying what would be a very symmetrical and well balanced building. Nonetheless the building would be simplistic in design and appear rather plain in form lacking any great detailing that would provide any visual interest within the public realm.
- 10.28 The design of the main roof form incorporating a half hip, half gable form is not strictly in accordance with the guidance set out within Essex Design Guide. Normally a building found within a rural setting such as the proposed would usually incorporate high pitch roofs over the narrow plain of the building.
- 10.29 However given the mixture of building types and forms within the surrounding locality, it is considered that the proposal is not that drastically unpleasant in terms of its appearance to justify a reason of refusal and therefore on balance the proposal's general design is considered to be appropriate. Furthermore it is noted that the proposed external finishing materials of the new dwelling are appropriate.
- 10.30 The scale of the dwelling has been proposed with regard to the character of the surrounding locality which predominantly contains two story dwellings but combined, detached, semi-detached and single storey bungalows including that of the adjoining property known as 'School Villas'. Although the building footprint of the new dwelling would be slightly larger than adjoining surrounding properties, it is considered that the overall size and scale of the proposal is appropriate.
- 10.31 For a four bedroom dwelling house, the provision of 100sqm of amenity area has been found to be acceptable and a workable minimum size that accommodates most household activities in accordance with the Essex Design Guide. In addition to the minimum size guidance, the amenity space should also be totally private, not be overlooked, provide an outdoor sitting area and should be located to the rear rather than the side.
- 10.32 The proposal would provide an adequate amount of private amenity space to the rear of the dwelling house that would meet the recreational needs of future occupiers.
- 10.33 In accordance with local policy GEN2, the Council will require that a new dwelling house should be designed to lifetime homes standards. No response has been received from Council's access and equalities officer at the time of writing this appraisal.

however it is regarded that with appropriate conditions, the dwelling could be design to lifetime homes standards if planning permission was granted consent.

C Impact on neighbouring amenities (ULP Policies GEN2 & GEN4)

10.34 Due consideration has been given in relation to the potential harm the development might have upon the amenities of adjoining property occupiers. With regard to neighbouring amenity, GEN2 requires that development does not have a materially adverse effect on neighbouring amenity as a result of overlooking, overbearing or overshadowing impacts.

10.35 The orientation of the site and the degree of separation between the new dwelling and adjoining properties are such that they would ensure that the amenities of these properties will be largely protected. The proposal would not result in a significant degree of overlooking or overshadowing and would neither be visually intrusive or overbearing when viewed from adjoining properties.

D Highway safety and parking (ULP Policy GEN1 & GEN8)

10.36 In relation to the concerns raised by the Parish Council, it should be noted that the application was referred to Essex County Council's highways officer who stated that they had no objections to the proposal. It is considered that the amount of traffic movements to and from the site would not result in a great deal of intensification of the daily vehicle use of this unmade track to comprise road safety or cause significant traffic congestion. Amongst other criteria, it is considered that the proposal would comply with the objectives and guidance of local policy GEN1.

10.37 Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning Guidance 'Vehicle Parking Standards.

10.38 The Adopted Council parking standards recommends that a maximum of three vehicle spaces is provided for a four bedroom dwelling house such as the proposed. The dimensions of the proposed garage fall short of what would constitute as a designated undercover vehicle parking space and therefore the garage can only be classified as an outbuilding providing domestic storage ancillary to the dwelling house. However, the site plan does indicate that three off street parking spaces can be accommodated on the hard standing area in front of the garage. As such it is considered that adequate car parking provisions have been made available.

E Landscaping, ecology and Biodiversity (ULP policies GEN7 and the NPPF)

10.39 New development should require comprehensive landscaping – for which it should be design to be appropriate and effective in relation to the development itself and to its wider context. The landscaping scheme should be one which is likely to succeed in achieving necessary screening and softening the definition of space and enhancing the public realm.

10.40 A landscaping scheme has not been submitted to support the application however indicative planting has been shown on the submitted block plan. The planting shows a new hedgerow consisting of native mix and tree planting consisting of oak, ash, field maple and wild cheery.

10.41 However Airside Operations Limited have stated within their consultation response as an informative that any planting proposed as part of the development should be carefully designed to avoid any increase in the bird-strike hazard at Stansted Airport. Berry/fruit bearing species (trees and hedges) should be kept to a minimum, should ideally not exceed 5% of the proposed planting palette and be dispersed throughout the scheme. Tree planting should be at centres of 4 metres or greater and should not include Oak (*Quercus* sp.) or Beech (*Fagus Sylvatica*) as these can provide attractive habitat for pigeons which is an increasing bird strike hazard at the airport.

10.42 Although the landscaping on the submitted block plan is indicative, it could in fact be contrary to the above requirements set by Airside Operations Limited. It is considered necessary that to ensure appropriate landscaping is achieved throughout the site, a planning condition requiring a landscaping scheme be submitted and approved before any works commence on site. Furthermore this would allow the development as a whole to integrate into the wider setting and ensure a sense of well-being for future occupiers.

10.43 An Extended Phase 1 Habitable Survey was submitted in support of the application which concludes that the site is not considered to present a notable or significant variety of habitats, and therefore presents limited potential to provide habitat for protected species. The application was consulted to Essex County Council's ecology officer who agreed to the findings within the report and therefore had no objection in relation to the proposal.

11. CONCLUSION

11.1 It is concluded that the proposal to erect a new single dwelling house would result in an inappropriate encroachment into the open countryside that would significantly alter the character of locality and the open characterises of the countryside protection zone contrary to policies S7 and S8 of the Adopted Local Plan and the National Planning Policy Framework. No adequate reasoning has been demonstrated that would outweigh the harm in which the development would have upon the character of the countryside. The application is therefore recommended for refusal.

12. RECOMMENDATION – REFUSE

Reason of refusal:

1 The site is within the area identified in the Uttlesford District Local Plan as Countryside Protection Zone and outside the established development limits. The development to construct a single dwelling house would result in a significant intensification in the built form encroaching into the open countryside that would in turn alter the character of the surrounding locality harmful to the setting and character and appearance of the countryside. No adequate special reasons have been provided why the development in the form proposed needs to take place to outweigh the harm that it causes. The development is therefore contrary to Policies S7 and S8 of the Adopted Local Plan and the National Planning Policy Framework.

Application number: UTT/15/1201/FUL

Location: Land East of Bellstock Molehill Green Takeley



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Organisation: Uttlesford District Council

Department: Planning

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