

UTT/15/2424/FUL - TAKELEY

(More than 5 dwellings)

PROPOSAL: Residential development comprising 7 dwellings and associated garaging and landscaping

LOCATION: Land North of Dunmow Road and East of Church Lane, Takeley

APPLICANT: Taylor Wimpey East London

AGENT: Boyer

EXPIRY DATE: 6 October 2015

CASE OFFICER: Luke Mills

1. NOTATION

1.1 Countryside; Countryside Protection Zone.

2. DESCRIPTION OF SITE

2.1 The application site is located at the corner of Dunmow Road and Church Lane, Takeley. It comprises agricultural land.

3. PROPOSAL

3.1 The application is for planning permission to erect 7 dwellings, with associated garaging and landscaping.

3.2 The schedule of accommodation is as follows:

Plot	Bedrooms	Parking spaces	Garden (sq m)
B1	4	3	131
B2	3	2	91
B3	2	2	89
B4	2	2	115
B5	3	2	120
B6	3	2	120
B7	3	2	110
Visitors	-	2	-

4. APPLICANT'S CASE

4.1 The applicant's case is presented in the following submitted documents:

- Planning Statement
- Design and Access Statement
- Preliminary Ecological Appraisal
- Dormouse Survey
- Tree Survey
- Written Scheme of Investigation for Archaeological Trial Trenching

- Archaeological Evaluation Report
- Transport Statement

5. RELEVANT SITE HISTORY

- 5.1 In March 2015, planning permission was granted under application number UTT/14/2387/FUL for a 10-dwelling residential development on adjoining land to the east of the application site.
- 5.2 In July 2015, planning permission was granted under application number UTT/15/1657/FUL for the erection of an electricity substation on adjoining land to the south west of the application site.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework (NPPF)

6.2 Uttlesford District Local Plan 2005

- Policy S7 – The Countryside
- Policy S8 – Countryside Protection Zone
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN7 – Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- Policy ENV2 – Development affecting Listed Buildings
- Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance
- Policy ENV5 – Protection of Agricultural Land
- Policy H1 – Housing Development
- Policy H9 – Affordable Housing
- Policy H10 – Housing Mix

6.3 Supplementary Planning Documents and Guidance

- SPD Accessible Homes and Playspace
- Developer Contributions Guidance Document
- Parking Standards: Design and Good Practice
- Local Residential Parking Standards
- The Essex Design Guide
- Strategic Housing Market Assessment

7. PARISH COUNCIL COMMENTS

- 7.1 Takeley Parish Council objects to the planning application on the following grounds:
- No need for development in the countryside and Countryside Protection Zone
 - Harm to the character and appearance of the area
 - Inadequate infrastructure to support the development, including school places
 - Affordable housing should be provided, taking into account the cumulative effect with the recent permission for 10 dwellings on adjacent land
 - The development would compromise road safety

8. CONSULTATIONS

Stansted Airport

8.1 No objection regarding aerodrome safeguarding.

Ecological Consultant (Essex County Council – Place Services)

8.2 No objection, provided that the recommendations in respect of nesting birds would be adhered to.

Thames Water

8.3 No objection, following the submission of additional information.

Historic Environment Advisor (Essex County Council)

8.4 No objection.

Highway Authority (Essex County Council)

8.5 No objection, subject to conditions.

Access and Equalities Officer

8.6 The application meets the requirements of the SPD on Accessible Homes and Playspace.

9. REPRESENTATIONS

9.1 Neighbours were notified of the application by letter and a notice was displayed near the site. No representations have been received.

10. APPRAISAL

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

- A Accordance with the development plan
- B Accordance with the National Planning Policy Framework (NPPF)

A Accordance with the development plan

Location of housing

10.1 Policy H1 identifies the proposed locations for housing development, which does not include undeveloped land beyond development limits. The proposal therefore does not accord with this policy.

Character and appearance of the countryside

10.2 Policy S7 states that development will only be permitted in the countryside if it needs to take place there, or is appropriate to a rural area. The proposed type of housing development does not require a rural location, nor is it an appropriate form of development in a rural area taking into account the examples identified in the justification for the policy. It therefore breaches Policy S7, which complements Policy H1 by restricting new housing development beyond the locations identified.

10.3 Policy S8 and the Proposals Map identify a Countryside Protection Zone around Stansted Airport, where planning permission will only be granted for development that is required to be there or is appropriate to a rural area. While the rationale for this policy differs from Policy S7 in that it specifically seeks to protect the open countryside around Stansted Airport, the proposal breaches the policy for the same reasons as identified above.

Sustainable transport and road safety

10.4 Policy GEN1 states that development will only be permitted if it encourages movement by means other than driving a car. The application site is in walking distance of the centre of Takeley and various bus stops which provide access to regular services to Stansted Airport and Bishop's Stortford. It is therefore considered that occupants would not be wholly reliant upon the car.

10.5 Policy GEN1 states that development will only be permitted if access to the main road network is capable of carrying the traffic generated by the development safely, and if its design would not compromise road safety and would take account of the needs of all road users. The development would share the vehicular access from Dunmow Road with the approved development to the east. Taking into account the comments of the Highway Authority, it is considered that the proposal meets the road safety requirements of this policy.

Design

10.6 Policy GEN2 states that development will not be permitted unless it is compatible with the scale, form, layout, appearance and materials of surrounding buildings. The proposed buildings and overall street scenes would fit comfortably with the design of the neighbouring approved development. The external wall finishes would include an appropriate mix of brick and render.

10.7 Policy GEN2 states that development will not be permitted unless it safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate. The submitted Tree Survey identifies that the trees which would require removal to facilitate the development are categorised as 'C' and 'U'. These are trees either of low quality or unsuitable for retention so there would be no significant harm to the character and appearance of the area should they be removed. A condition could be used to ensure the approval of a detailed Arboricultural Method Statement and Tree Protection Plan.

10.8 Policy GEN2 states that development will not be permitted unless it provides an environment which meets the reasonable needs of all potential users. The policy is supplemented by the SPD entitled 'Accessible Homes and Playspace', which requires compliance with the Lifetime Homes standards. Taking into account the comments of the Access and Equalities Officer, it is considered that these standards would be met.

10.9 Policy GEN2 states that development will not be permitted unless it has regard to guidance on layout and design. The policy is supplemented by 'The Essex Design Guide', which includes guidance on the provision of private amenity space. The minimum garden sizes are 50 sq m for two-bedroom dwellings and 100 sq m for dwellings with three or more bedrooms. All but one of the proposed dwellings comply with the minimum standards, Plot B2 being a three-bedroom dwelling with a garden measuring 91 sq m. Nevertheless, it is considered that this is sufficiently close to the minimum standard to ensure that the occupants would benefit from a good level of amenity space.

10.10 Policy GEN2 states that development will not be permitted unless it would avoid materially adverse impacts on the reasonable occupation and enjoyment of a residential property. The policy is supplemented by 'The Essex Design Guide', which includes guidance on issues such as loss of privacy and loss of daylight. Plot B7 would be positioned adjacent to a dwelling approved on the adjoining site to the east. Nevertheless, the windows that would face each other would serve bathrooms and a landing so there would be no significant loss of privacy for either household. There would be no significant loss of daylight or privacy affecting buildings within the application site.

Biodiversity

10.11 Policy GEN7 states that development which would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation. The applicant has submitted a Preliminary Ecological Appraisal and a Dormouse Survey. Taking into account the comments of the Ecological Consultant, it is considered unlikely that the proposal would cause harm to protected species or valuable habitats. A condition could be used to ensure the works are carried out in accordance with the recommendations in the report regarding nesting birds.

Vehicle parking

10.12 Policy GEN8 states that development will not be permitted unless the number, design and layout of vehicle parking places are appropriate for the location. This policy is supplemented by 'Parking Standards: Design and Good Practice' and 'Local Residential Parking Standards', which set minimum parking standards to prevent on-street parking. The minimum standards would be met in respect of both residents' and visitors' parking spaces.

Setting of listed buildings

10.13 Policy ENV2 states that development will not be permitted if it would adversely affect the setting of a listed building. To the west of Church Lane is a farmhouse known as 'Millers' and an associated stable block, both of which are Grade II listed. It is considered that the layout of the proposed development protects the setting of these heritage assets, particularly because the buildings would be positioned away from the south west corner of the site.

Archaeology

10.14 Policy ENV4 requires suitable assessment of archaeological remains before development commences. The application has been archaeologically evaluated, as detailed in the submitted Archaeological Evaluation Report. Taking into account the comments of the Historic Environment Advisor, it is considered that no further archaeological work is required.

Agricultural land

10.15 Policy ENV5 states that development will only be permitted on the best and most versatile agricultural land where opportunities have been explored on previously developed land and within Development Limits. The Natural England Agricultural Land Classification Map indicates that the agricultural land to be developed is classified as Grade 2, which is among the best and most versatile. No evidence has been submitted to demonstrate that other land could not be used so the proposal breaches the policy. Nevertheless, limited harm is given to the breach because, at 0.25 ha, the site is small in agricultural terms.

Affordable housing

- 10.16 Policy H9 states that the Council will seek to negotiate on a site by site basis an element of affordable housing of 40% of the total provision of housing on appropriate allocated and windfall sites, having regard to the up to date Housing Needs Survey, market and site considerations. The Developer Contributions Guidance Document provides the Council's most up to date affordable housing requirements, although a phase-in period means the recently updated version must not be used for this application because it was adopted after the submission date. The previous, and applicable, version includes no requirement for a contribution towards affordable housing provision for a development of the proposed size.
- 10.17 The Developer Contributions Guidance Document states that developments which are contrived to try and avoid the affordable housing policy requirements will be expected to comply with policy requirements as if the schemes were submitted jointly as one proposal. An example is given of a larger site that is sub-divided into two such that it falls below the threshold for affordable housing provision. It is considered that the proposed development forms part of a larger scheme together with the neighbouring approved development for which planning permission was recently granted. A contribution towards affordable housing provision is therefore required.
- 10.18 The combined number of units between the neighbouring developments is 17, such that 40% of the units must be in the form of affordable housing. This amounts to 7 units, the number which is now proposed. However, it is acknowledged that the proposal would be unviable if it were to contain entirely affordable housing. It should also be noted that the previous, adjacent planning application for 10 dwellings (UTT/14/2387/FUL) was determined during the period when the Government's Planning Practice Guidance prevented Local Planning Authorities from seeking affordable housing contributions on sites of 10 dwellings. As such, through no fault of the applicant, none were sought. It is therefore considered that the application should provide affordable housing to the amount of 20% which equates to 1 dwelling. In this instance an off-site financial contribution will be sought.

Housing mix

- 10.19 Policy H10 states that developments on sites of 0.1 hectares and above, or of 3 or more dwellings, must provide a significant proportion of market housing comprising small properties. Small properties are those with 2 or 3 bedrooms. Six of the seven proposed dwellings would have 2 or 3 bedrooms so the proposal complies with this policy.
- 10.20 The up to date Strategic Housing Market Assessment provides the desired housing mix for the District, which shows that the majority of new dwellings should have 3 or 4 bedrooms. Some dwellings with 2 bedrooms are also required. It is considered that the proposal accords with this housing mix because five of the seven dwellings would have 3 or 4 bedrooms, while the other two would have 2 bedrooms.

Conclusion on the development plan

- 10.21 The proposal breaches policies H1, S7 and S8 regarding the location of housing and the character and appearance of the countryside. These are significant breaches of policy which ensure that the development does not accord with the development plan.

B Accordance with the National Planning Policy Framework (NPPF)

Character and appearance of the countryside

- 10.22 Paragraph 17 of the NPPF states that a core land-use planning principle is that planning should recognise the intrinsic character and beauty of the countryside. The

site forms part of the rural landscape, it being agricultural land bounded by trees. The introduction of residential development would have an urbanising effect, to the detriment of this landscape. Nevertheless, residential development is under construction on adjoining land to the east, and Church Lane provides a defensible barrier to development in a westward direction. The development would be contained to the north by the existing line of trees, which also contains the adjacent development. Overall, the harm which would be caused to the character and appearance of this part of the countryside would be limited.

Other policies

10.23 Paragraphs 34, 39, 55, 58, 109, 112 and 131 also contain relevant policies, although the conclusions follow those above regarding similar development plan policies.

Conclusion on the NPPF

10.24 Paragraph 14 explains that at the heart of the NPPF is a presumption in favour of sustainable development. This states that, where relevant policies are out of date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.

10.25 Policy H1, which identifies locations for housing, is out of date because it only relates to the period 2000 - 2011. The restrictive nature of Policy S7 also forms part of this spatial strategy. It is therefore necessary to assess the proposal in the context of the presumption in favour of sustainable development.

10.26 The proposal would cause limited harm to the character and appearance of the countryside, and a limited loss of a portion of the best and most versatile agricultural land. It is considered that these adverse effects do not significantly and demonstrably outweigh the benefits of the development. Therefore, the proposal must be regarded as sustainable development in the context of the NPPF.

11. CONCLUSION

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

A The proposal does not accord with the development plan. Nevertheless, relevant policies are out of date so it is necessary to apply the presumption in favour of sustainable development, as set out in the National Planning Policy Framework. Taking into account the policies of the Framework, it is concluded that the proposal represents sustainable development for which planning permission should be granted.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL AGREEMENT:

(I) The applicant be informed that the Planning 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) off-site financial contribution equating to one affordable house**
- (ii) pay Council's costs of monitoring**
- (iii) pay Council's reasonable legal 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 21 November 2015 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 suitable provision of 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. Prior to commencement of the development, details of the external finishes (including samples and/or photographs as appropriate) must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details.

REASON: To ensure compatibility with the character of the area, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005). This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

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 provided clear of the highway.

REASON: In the interest of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005). This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

4. Prior to commencement of the development, a detailed Arboricultural Method Statement and Tree Protection Plan must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details.

REASON: To ensure compatibility with the character of the area by retaining prominent landscape features, in accordance with Policy S7, Policy S8 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

5. All new hard and soft landscape works must be carried out in accordance with drawing number MCA115/02 dated 27/07/15. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping must be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become

seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works must be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

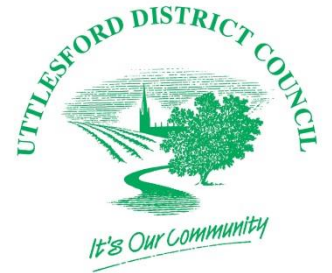
REASON: To ensure compatibility with the character of the area, in accordance with Policy S7, Policy S8 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

6. All of the dwellings approved by this permission must be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the SPD on Accessible Homes and Playspace.

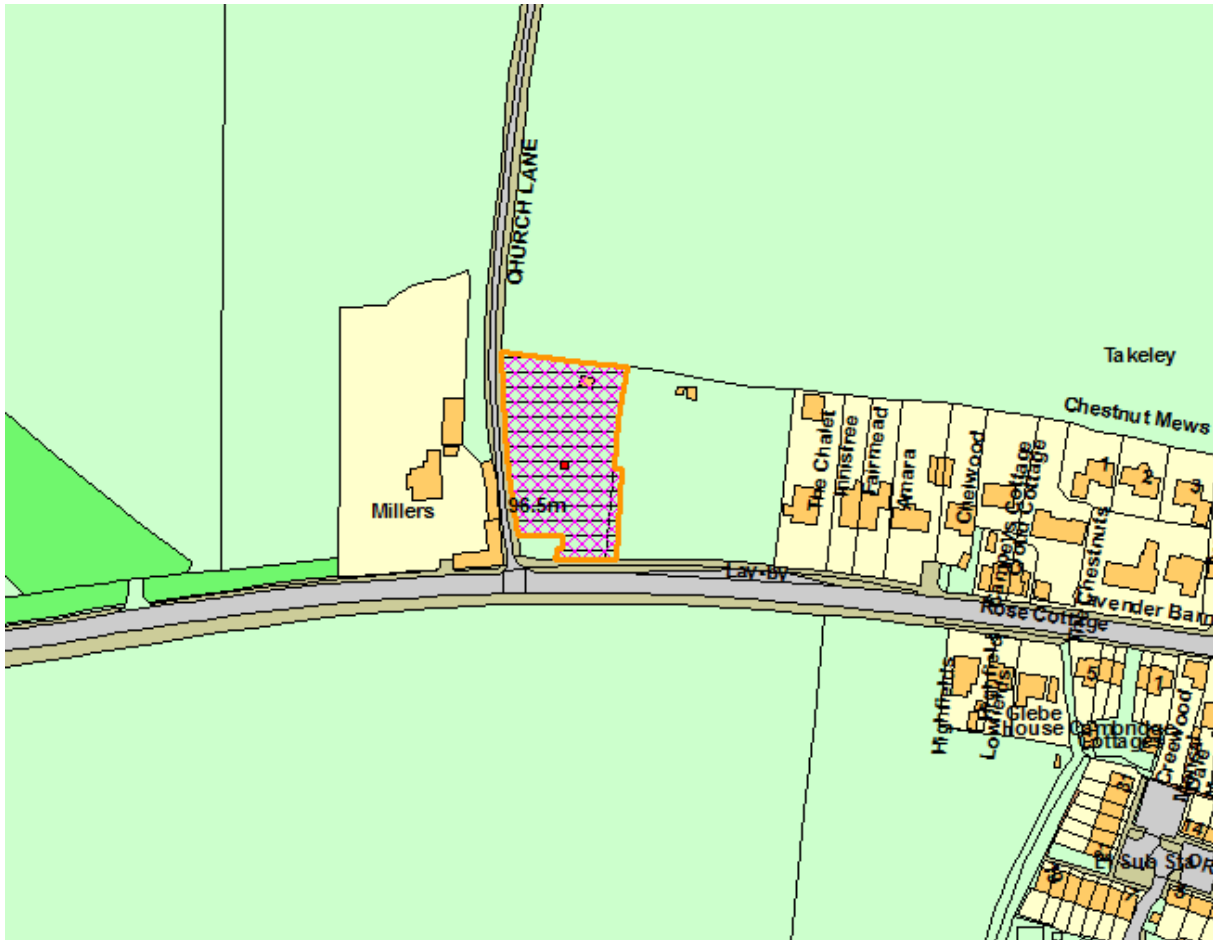
7. The development must be carried out in accordance with the recommendations in relation to breeding birds, as detailed at Section 7.2 of the submitted Preliminary Ecological Appraisal dated 17 March 2015.

REASON: To prevent harm to protected species, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).



Application number: UTT/15/2424/FUL

Location: Land North Of Dunmow Road East Of Church Lane Takeley



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Organisation: Uttlesford District Council

Department: Planning

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