

UTT/17/0188/FUL - (CLAVERING)

(Referred to Committee by Cllr Oliver. Reason: The site is outside Development Limits; The site is unsustainable; Potential harm to the countryside)

PROPOSAL: Construction of 2 no. Dwellings
LOCATION: Land Adjacent to The Hazels, Wicken Road, Clavering
APPLICANT: Mr Sansome & Mrs Herring
AGENT: Mr C Hennem (Pelham Structures)
EXPIRY DATE: 12 May 2017
CASE OFFICER: Luke Mills

1. NOTATION

1.1 Countryside.

2. DESCRIPTION OF SITE

2.1 The site is located off Wicken Road, Clavering (Hill Green). It comprises an undeveloped parcel of land.

3. PROPOSAL

3.1 The application is for planning permission to erect two detached dwellings, both of which would be served by a single point of access from Wicken Road.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

5. APPLICANT'S CASE

5.1 The application is accompanied by the following documents:

- Biodiversity Questionnaire
- Site Waste Management Plan
- Sustainable Construction Pre-Application Checklist
- Sustainable Construction report
- Landscape & Visual Appraisal
- Planning Statement
- Ecology Report
- Supplementary Ecology Report
- Response to Comments

6. RELEVANT SITE HISTORY

6.1 In June 2016, an appeal was dismissed following the refusal of application UTT/15/2348/FUL. The development differed from the current proposal with regard

to scale and depth.

7. POLICIES

- 7.1 S70 of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 7.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Uttlesford Local Plan (2005)

- 7.3
- S7 – The Countryside
 - GEN1 – Access
 - GEN2 – Design
 - GEN3 – Flood Protection
 - GEN6 – Infrastructure Provision to Support Development
 - GEN7 – Nature Conservation
 - GEN8 – Vehicle Parking Standards
 - ENV3 – Open Spaces and Trees
 - H1 – Housing Development
 - H9 – Affordable Housing
 - H10 – Housing Mix

Supplementary Planning Documents/Guidance

- 7.4
- SPD – Accessible Homes and Playspace (2005)
 - Developer Contributions Guidance Document (Feb 2016)
 - The Essex Design Guide (2005)
 - Parking Standards: Design and Good Practice (2009)
 - Uttlesford Local Residential Parking Standards (2013)

National Policies

- 7.5
- National Planning Policy Framework (NPPF) (2012)
 - paragraphs 14, 17, 32, 34, 35, 39, 47-49, 55, 58, 100-104 & 118
 - Planning Practice Guidance (PPG)
 - Design
 - Flood risk and coastal change
 - Housing: optional technical standards
 - Natural environment
 - Rural housing

Other Material Considerations

- 7.6
- West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) (2015)
 - Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)

8. PARISH COUNCIL COMMENTS

8.1 Objection. Concerns include:

- Adverse effect on biodiversity
- Possible intensification of development in future
- Harm to character of the area
- Lack of sustainable transport options to access services, facilities and employment
- Adverse effect on road safety
- Inadequate infrastructure e.g. healthcare

9. CONSULTATIONS

Highway Authority (Essex County Council)

9.1 No objections, subject to conditions.

Ecological Consultant (Place Services)

9.2 No objections, subject to a condition. Extract:

“The Ecology Report and subsequent Supplementary Ecology Report (AR Arbon 2015; 2017) found low biodiversity on-site. There is a negligible risk to protected species from the proposed works. These reports recommend a biodiversity management plan, which will ensure a net gain in biodiversity through this development in accordance with the NPPF and the NERC Act. Appropriate wording for this condition is given below.”

Aerodrome Safeguarding Authority (London Stansted Airport)

9.3 No objections.

10. REPRESENTATIONS

10.1 Neighbours were notified of the application by letter. A number of representations have been received and the following concerns have been raised:

- 1) The site is outside the village’s Development Limits
- 2) Harm to character of the area
- 3) Lack of sustainable transport options to access services, facilities and employment
- 4) Adverse effect on road safety
- 5) Adverse effect on biodiversity
- 6) Inadequate infrastructure e.g. primary school, healthcare
- 7) Lack of secure outside storage for the proposed dwellings
- 8) No need for additional housing in the village
- 9) Possible intensification of development in future

10.2 The following comments are made in respect of the above points:

1) – 8) Assessed in the below appraisal.

9) The decision must be based on the current proposal. Any future applications would be assessed on their merits.

11. APPRAISAL

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

- A Location of housing (S7, H1, 55 & PPG)
- B Character and appearance (S7, GEN2, ENV3, 17, 58 & PPG)
- C Transport (GEN1, GEN8, 32, 34, 35 & 39)
- D Accessibility (GEN2 & PPG)
- E Amenity (GEN2 & 17)
- F Flooding (GEN3, 100-104, PPG & SFRA)
- G Infrastructure (GEN6)
- H Biodiversity (GEN7, 118 & PPG)
- I Affordable housing (H9 & PPG)
- J Housing mix (H10 & SHMA)
- K Housing land supply (47-49)

A Location of housing (S7, H1, 55 & PPG)

- 11.1 The site is located beyond the Development Limits for Clavering. As the site is considered to be a relatively large gap between buildings, it is considered that the proposal does not represent 'sensitive infilling' in the context of Policy S7. It is therefore concluded that residential development on the site would be in conflict with policies S7 and H1.
- 11.2 Paragraph 55 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. While there is no published definition of 'isolated', it is considered that the PPG supports the view that housing sites should be within or adjacent existing settlements. The effect is to prevent sporadic development in the countryside, while supporting the growth of existing settlements of almost any size due to the associated economic and social benefits. As the application site abuts the built-up area of the village, and indeed the Development Limits, it is considered that the location accords with paragraph 55.

B Character and appearance (S7, GEN2, ENV3, 17, 58 & PPG)

- 11.3 The site is an undeveloped parcel of land, which marks the transition from the village to the surrounding countryside. Its rural character would be eroded by the proposed development, representing a harmful effect in conflict with policies S7 and ENV3 and paragraphs 17 and 58 of the NPPF. However, as the site does not have any special landscape value, it is considered that the degree of harm would be limited.
- 11.4 As to the detailed design of the development, it is considered that the proposed dwellings would be compatible with the appearance and layout of surrounding buildings. Therefore, in this respect, the proposal accords with Policy GEN2 and paragraph 58 of the NPPF.

C Transport (GEN1, GEN8, 32, 34, 35 & 39)

- 11.5 It is considered that the occupants of the proposed dwellings would rely heavily on the private car to access services, facilities and employment, in conflict with Policy GEN1 and paragraph 34 of the NPPF.
- 11.6 The proposed dwellings would be served by a single point of access off Wicken Road. Taking into account the comments of the highway authority, it is considered that the access and associated vehicle movements would not cause any significant adverse effects that would represent a conflict with Policy GEN1 or paragraphs 32

or 35 of the NPPF.

- 11.7 The driveways would provide ample space for off-street parking, amounting to at least three spaces per dwelling. Therefore, the proposal accords with the Council's minimum residential parking standards and, in turn, Policy GEN8 and paragraph 39 of the NPPF.

D Accessibility (GEN2 & PPG)

- 11.8 Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' require compliance with the Lifetime Homes standards. However, these standards have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Compliance with these requirements could be secured using a condition.

E Amenity (GEN2 & 17)

- 11.9 Taking into account the guidance in The Essex Design Guide, it is considered that the proposed rear gardens would be of a suitable size, and that there would be no significant adverse effects on the amenity of neighbouring premises with respect to daylight, privacy or overbearing impacts. Therefore, in this respect, the proposal accords with Policy GEN2 and paragraph 17 of the NPPF.

F Flooding (GEN3, 100-104, PPG & SFRA)

- 11.10 Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The SFRA confirms that the site is not in an area at risk of flooding and, as the development is for less than 10 dwellings, national policy does not require the use of a sustainable drainage system. It is therefore concluded that the proposal would not give rise to any significant adverse effects with respect to flood risk, such that it accords with the policies in the NPPF and PPG.

G Infrastructure (GEN6)

- 11.11 Taking into account the nature and scale of the development, and the above consultation responses, it is considered that there would be no requirement for improvements to off-site infrastructure. It is therefore concluded that the proposal accords with Policy GEN6.

H Biodiversity (GEN7, 118 & PPG)

- 11.12 The application is accompanied by an Ecology Report and a Supplementary Ecology Report. Taking into account the comments of the Council's ecological consultant, it is considered likely that the proposal would have no significant adverse effects on any protected species or valuable habitats. Biodiversity enhancements could be secured using a condition.

I Affordable housing (H9 & PPG)

- 11.13 As explained in detail in various appeal decisions, including UTT/15/3599/FUL, the Developer Contributions Guidance Document must not be given weight when considering affordable housing requirements. Therefore, the basis for seeking affordable housing provision is Policy H9 and its preamble.

11.14 Policy H9 indicates that, although the site area is greater than 0.5 ha, provision should not be sought where it equates to less than three units, as would be the case with the proposed development. It is also noted that the more up-to-date national policy in the PPG applies an exemption for developments of the scale proposed.

J Housing mix (H10 & SHMA)

11.15 As the site area is greater than 0.1 ha, Policy H10 requires that small market housing comprises a significant proportion of the total number of units. The SHMA indicates that there remains a high demand for small properties, albeit mainly in the form of three-bedroom dwellings. Plot 1 would have two bedrooms and Plot 2 would have three, in accordance with Policy H10.

K Housing land supply (47-49)

11.16 Paragraphs 47-49 of the NPPF describe the importance of maintaining a five-year supply of deliverable housing sites. As identified in the presentation to the Planning Policy Working Group entitled '5-Year Land Supply' (June 2016), the Council currently has a 5.0-year supply.

12. CONCLUSION

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

- A The proposal does not accord with the development plan due to conflicts with policies on the location of housing, countryside character and sustainable transport.
- B Notwithstanding the above, it is concluded that the proposal represents 'sustainable development' in the context of the NPPF. Firstly, it accords with the policy on the location of rural housing. Furthermore, the adverse effects regarding countryside character and sustainable transport would be limited in degree and, to some extent, accepted by the policy on the location of rural housing. Having had regard to all other relevant policies, it is considered that the adverse effects of the proposal would not significantly and demonstrably outweigh the positive effects.
- C Taking into account the more up-to-date nature of the NPPF with respect to the determining issues, it is considered that the lack of accordance with the development plan is overridden in this instance. Regard has been had to all other material considerations, and it is concluded that planning permission should be granted.

RECOMMENDATION – APPROVAL WITH CONDITIONS

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 following external finishes (including samples and/or photographs as appropriate) must be submitted to and

approved in writing by the local planning authority:

- Walls
- Roof
- Chimney
- Windows
- Doors

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 S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. 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, details of the following hard and soft landscaping works must be submitted to and approved in writing by the local planning authority:

- Retained features
- New planting
- Hard surfaces
- Boundary treatment

All hard and soft landscape works must be carried out in accordance with the approved details.

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 and 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.

4. Prior to commencement of the development, a Biodiversity Management Plan (BMP) must be submitted to and approved in writing by the local planning authority. The BMP must include:

- a. A description and evaluation of features to be managed
- b. Ecological trends and constraints on site that might influence management
- c. Aims and objectives of management
- d. Appropriate management options for achieving the aims and objectives of the

project

e. Prescriptions for management actions

f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)

g. Details of the body or organisation responsible for implementation of the plan

h. On-going monitoring and remedial measures.

The BMP must be implemented in accordance with the approved details.

REASON: To conserve and enhance biodiversity, in accordance with Policy GEN7 and Policy ENV8 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

5. Prior to occupation of any dwelling, full details of the access (5.5 m wide for at least 6 m from the back of the carriageway) and vehicle parking area must be submitted to and approved in writing by the local planning authority. The access and vehicle parking area must be formed in accordance with the approved details prior to occupation of any dwelling.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner, to ensure that opposing vehicles can pass clear of the limits of the highway and to prevent on-street parking, in accordance with Policy GEN1 and Policy GEN8 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

6. Prior to occupation of any dwelling, the pedestrian footpath extension shown on Drawing No. 018.20b must be hard-surfaced.

REASON: In the interests of highway safety, efficiency and accessibility, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

7. Prior to occupation of any dwelling, the existing access shown on Drawing No. 018.20b must be suitably and permanently closed, incorporating the reinstatement to full height of the highway verge/kerbing.

REASON: To ensure the removal of, and to preclude the creation of, unnecessary points of traffic conflict in the highway, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

8. 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) and the National Planning Policy Framework.

9. Runoff water from the driveway hereby permitted must be directed to a permeable or porous surface within the application site.

REASON: To prevent hazards caused by water flowing onto the highway in the interest of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

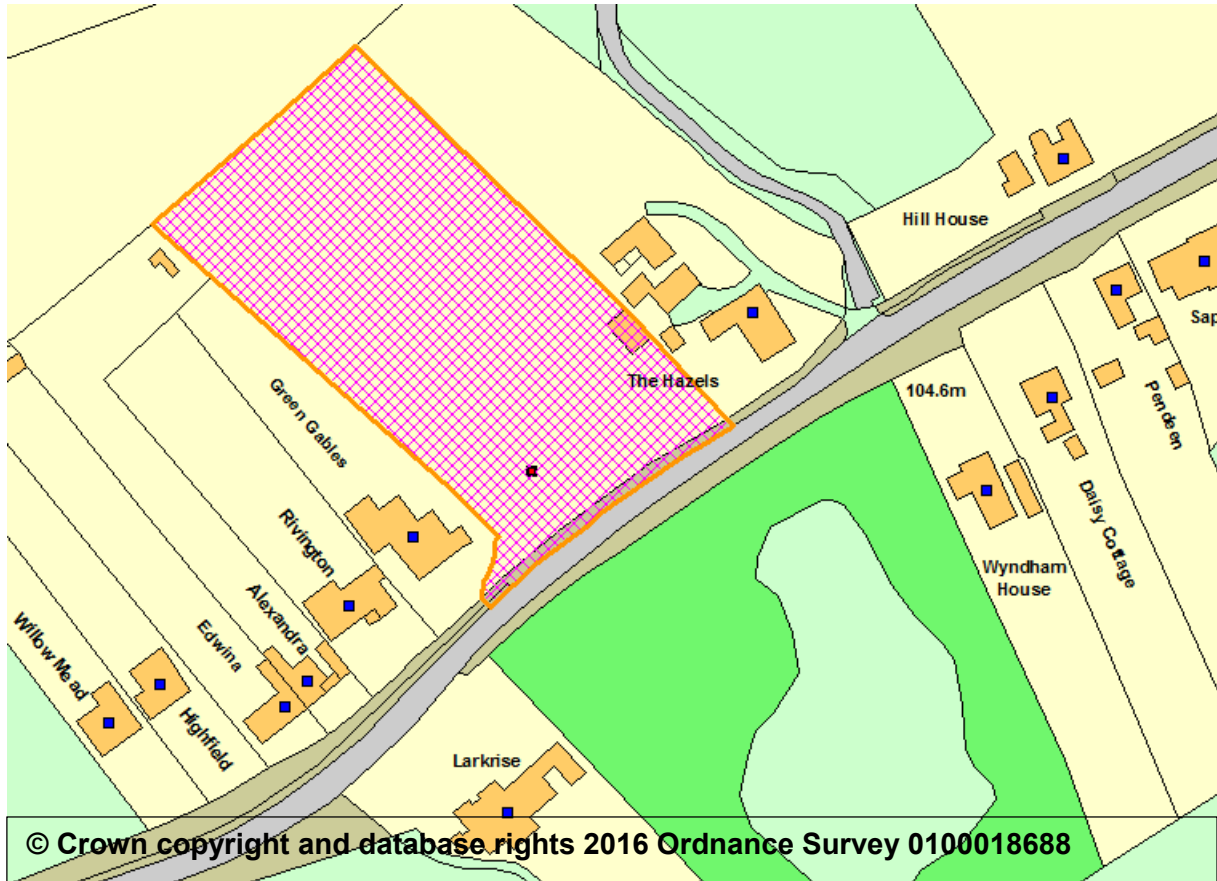
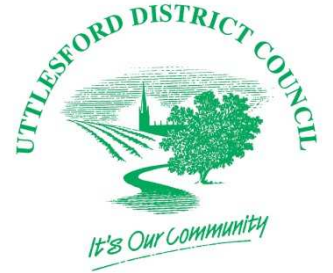
10. The eaves and ridge heights of the proposed dwellings in relation to neighbouring buildings at The Hazels and Green Gables must be as shown in the proposed street scene on Drawing No. 018.20b.

REASON: For the avoidance of doubt and to ensure compatibility with the character and appearance of the area, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

11. The dwellings hereby permitted must be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

Application: UTT/17/0188/FUL
Address: Land Adjacent To The Hazels, Wicken Road Clavering



Organisation: Uttlesford District Council

Department: Planning

Date: 26 April 2017