

UTT/18/2268/FUL STANSTED

The application is called-in to committee by Cllr Dean if the application is recommended for refusal

PROPOSAL: Erection of 2 no. 4/5 bedroom detached dwellings with associated parking space, integral garage and new access

LOCATION: Land adjacent the Stables High Lane Stansted CM24 8LQ

APPLICANT: Mr David Butterfield

AGENT: Three Square Design Ltd

EXPIRY DATE: 12.10.2018

CASE OFFICER: Babatunde Aregbesola

1. NOTATION

- 1.1 Outside Development Limits, Aerodrome Direction, within 250m of local wildlife site, Ground water protect zone within zone 1, Road Classification-Line and Stansted Airport within 6km of Airport.

2. DESCRIPTION OF SITE

- 2.1 The application site is an existing grassed land opposite The Stables and located to the east of High Lane. To the west, across High Lane, lies the eastern boarder of Stansted of Mountfitchet, comprising of different mixture of single or two storey dwellings. To the south it is bounded by the former stable block, converted to residential use and beyond it there are a number of other residential dwellings, including Croft House, Croft House Cottage and The Barn. To the north and east the site is bounded by substantial band of mature trees and the open countryside.

3. PROPOSAL

- 3.1 The proposal would involve the erection of one and half storey three 4/5 bed two detached dwellings with integral garage. The total floorspace created will be 429m² (4,617 square feet), with a built footprint of 278m². A new vehicular access from High Lane is proposed with private amenity space around each of the proposed dwellings.

It is pertinent to note that there is a planning permission previously granted under planning reference UTT/16/2755/FUL for a large single storey dwelling to be erected within the application site, which established the principle of residential development within this site as a valid fall-back position in this instance.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 Town and Country Planning (Environmental Assessment):
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

5. APPLICANT'S CASE

- 5.1 The application was submitted with the following documents:
Biodiversity Checklist
Sustainability Checklist
Planning, Design and Access Statement
Ecological Survey

6. RELEVANT SITE HISTORY

- 6.1 UTT/16/2755/FUL - Erection of 1 no. 4 bedroom bungalow and garage together with vehicle parking and private amenity space. New road crossover and access drive into site (alternative scheme to that approved under planning permission UTT/15/3121/FUL). Approved with Conditions dated 1st November 2016.
- 6.2 UTT/15/3121/FUL - Erection of 1 no. 4 bedroom bungalow and garage together with vehicle parking and private amenity. Approved with Conditions dated 23rd December 2015.
- 6.3 UTT/14/0124/FUL - Conversion of existing building to a dwelling and for the erection of double garage and entrance gate with piers and brick wall amended to approved planning UTT/12/5126/FUL. Approved with Conditions dated 24th March 2014.

7. POLICIES

- 7.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:
(a) the provisions of the development plan, so far as material to the application,
(aza) a post-examination draft neighbourhood development plan, so far as material to the application,
(b) any local finance considerations, so far as material to the application, and
(c) 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)

S7 - The Countryside

GEN1 - Access

GEN2 - Design

GEN3 - Flood Protection

GEN6 - Infrastructure Provision to Support Development

GEN8 - Vehicle Parking Standards

ENV9 - Historic Landscapes

H1 - Housing Development

H9 - Affordable Housing

Supplementary Planning Documents/Guidance

SPD - Accessible Homes and Playspace (2005)
The Essex Design Guide (2005)
Parking Standards: Design and Good Practice (2009)
Uttlesford Local Residential Parking Standards (2013)

National Policies

National Planning Policy Framework (NPPF) (2018)
- paragraphs 11, 73, 78-79, 102-111, 127, 155-165, 170, 175, 178-180 & 189-196
Planning Practice Guidance (PPG)
- Design
- Flood risk and coastal change
- Housing: optional technical standards
- Natural environment
- Planning obligations
- Rural housing

8. PARISH/TOWN COUNCIL COMMENTS

8.1 Raised no comment to the proposal

9. CONSULTATIONS

9.1 Ecology Place Services
No objection subject to securing biodiversity mitigation and enhancement measures.

9.2 ECC Highways
No objection subject to conditions

9.3 Environmental Health
No comment

10. REPRESENTATIONS

10.1 Neighbours were notified of the application by letter, and notices were displayed near the site. 23 neighbouring properties were consulted and three representations were received in relation to the proposal, two raised objections and one neither objecting nor supporting the proposal but raised concerns on the impacts of the proposal on her property. The objections are on the following grounds;

1. Cramped and Over-development
2. Not keeping with the rural character of the immediate area
3. Loss of trees and shrubs
4. Loss of significant area of the Meadow
5. Potential traffic movement

The following comments would be addressed in the report below.

11. APPRAISAL

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

- A Location of housing (S7, H1, 78-79 & PPG)
- B Character, appearance and (S7, GEN2, 127, 170, & PPG)

- C Transport (GEN1, GEN8 & 102-111)
- D Accessibility (GEN2, 127 & PPG)
- E Amenity (GEN2, GEN4, 127, 180 & PPG)
- F Flooding (GEN3, 155-165, PPG & SFRA)
- G Infrastructure (GEN6)
- H Biodiversity (GEN7, ENV8, 175 & PPG)
- I Archaeology (ENV4, 189-196 & PPG)

A Location of housing (S7, H1, 78-79 & PPG)

- 11.1 The Local Plan places the site beyond the defined Development Limits for town and villages, and therefore in a countryside location that is inconsistent with policies S7 and H1 on the location of housing.
- 11.2 Notwithstanding the above conflict with development plan policies, the proposal accords with the more up-to-date national policy in the NPPF. Paragraphs 78-79 take a less restrictive approach compared with the Local Plan, supporting the growth of existing settlements while preventing isolated homes that could lead to sporadic development in the countryside. The site's location adjacent the built-up area of Debden ensures its consistency with paragraphs 78-79.

B Character, appearance and heritage (S7, GEN2, 127, 170 & PPG)

- 11.3 The introduction of housing to an undeveloped field would inherently have a harmful effect on the rural character of the area, in conflict with Policy S7 and paragraph 170 of the NPPF.
- 11.4 The application site is located on the edge of but outside the development limits of Stansted. It encompasses a level and rectangular shaped parcel of land that has been described as meadow. The north and east side of the application site is defined by thick woodland. While the western boundary adjoins High Lane and southern boundary is adjacent to The Stables. Development along High Lane tends to be on the western side of the road and broadly characterised by frontage development screened by soft landscaping. The development directly opposite the application site has a linear pattern and is set back from the road. The eastern side of the High Lane is more verdant and undeveloped; however, there are group of buildings in this part of High Lane located to the south of the application site which includes The Stables, The Barn, Croft Cottage and Croft House Cottage
- 11.5 The proposed development would involve the erection of two comparatively large one and half story dwellings. The proposed dwellings would be positioned along the rear boundary of the plot abutting the open field on the east side of the application site with soft and hard landscaping to the front of the proposed dwellings. The two properties would share a single access point. This arrangement in relation to the opposite development on the west of High Lane would be at odds with the prevailing pattern of development locally. In addition, the proposal would have a rather urban appearance with the two plots to the rear dominated by the houses, the hard surfaces and boundary treatment. The proposed development would potentially introduce and extend the built form of urban grain into the open countryside

vernacular along the eastern side of High Lane presenting an awkward juxtaposition with the existing open character of the meadow, open field to the east, the farmstead to the south. In this respect, the proposed development would result in an unsympathetic concentration of housing on the edge of the village and thus a harder transition between the settlement and the countryside. As such, the proposed development would harm the character of the area.

C Transport (GEN1, GEN8 & 102-111)

11.6 In terms of accessibility to service, the site is located on the edge of the village which ensures that the future residents of the development would have reasonable access to a range of local services and facilities, including a primary schools, restaurant, playing field and village hall. Furthermore, a regular bus service (B1383 road No. 301) provides realistic public transport to Saffron Walden and Stansted Airport. Although, the bus stop is almost 10 – 15mins walk to the application site. High Lane has a footpath and pavement for walking pedestrian and cycling is attractive along this road. As such, future residents of the development would not solely rely on the use of private cars as the only means of commuting in and out of the settlement, as the location of the development would promote walking and cycling in accessing essential needs.

11.7 Taking into account the comments of the highway authority, it is considered that there would be no significant adverse effects on road safety or capacity. The access to the new bungalow would be through a new proposed gated access and cross over to serve the new development. The proposed access would involve the removal of small amount of trees which would be compensated through the planting of new trees within the boundary treatment.

11.8 The proposed access width and design are considered acceptable because it can accommodate the type of traffic that would be associated with such scale, layout and form of bungalow and the traffic along High Lane. Overall, the ECC Highways Authority have considered the proposed access and drive way details and did not raise objection, instead they have recommended appropriate planning conditions to safeguard traffic in the area and other road users in accordance with Policies GEN1 and GEN8.

11.9 Furthermore, the proposed development complies with the Council's minimum residential parking standards, as confirmed in the block plan submitted. It is therefore concluded that the proposal accords with the above policies

D Amenity (GEN2 & GEN4 & 127)

11.10 The Council adopts the minimum garden size standards contained within The Essex Design Guide. While there is some flexibility on the exact measurement, the proposed amenity space in the rear garden in plans submitted shows provision which exceed the required standard of 50m².

- 11.11 Turning to the impact on neighbouring amenity, the proposed development would be in some distance away from adjoining residential properties. As such, given, its location, orientation, design, scale and positioning of proposed windows along the side elevations, it is considered that the proposed dwelling would have no significant adverse effects on the amenity of neighbouring premises with respect to daylight, privacy or overbearing impacts.
- 11.12 As such, given the location, design and relationship of the proposed dwelling with adjoining properties, it is considered not to cause significant harm to the amenity of the neighbouring properties. Therefore, the proposal accords with the above policies insofar as they relate to amenity.

E Flooding (GEN3, 155-165, PPG & SFRA)

- 11.14 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 proposal is not a 'major development'; 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.

F Infrastructure (GEN6 & PPG)

- 11.15 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.

G Biodiversity (GEN7, ENV8, 175 & PPG)

- 11.16 Taking into account the biodiversity checklist completed by the applicant and the location of the application site, it is considered unlikely that the development would have significant adverse effects on any protected species or valuable habitats. It is therefore concluded that the proposal accords with the above policies.

H Landscaping (ENV8)

- 11.17 Policy ENV8 states that development that may adversely affect these landscape elements like semi-natural grasslands, hedgerows, plantations, larger semi natural or ancient woodlands, green lanes and special verges will only be permitted if the need for the development outweighs the need to retain the elements for their importance to wild fauna and flora; mitigation measures are provided that would compensate for the harm and reinstate the nature conservation value of the locality. Appropriate management of these elements will be encouraged through the use of conditions and planning obligation.
- 11.18 The site is bounded at the north and east by huge woodland area which separates the proposed site from the remaining part of the open countryside. Whilst the main site application comprised of open grassed land which is seen as part of additional or surplus amenity space to the existing bungalow described as 'The Stables'; it is

considered as the only part of the site area that would be affected by the proposed bungalow due to the loss of the open grassland.

- 11.19 Due to the impact on the grassed land the applicant carried out a tree survey in order to demonstrate the proposed scheme would not adversely harm the landscape character of the surrounding area which is predominantly residential and woodland in character.
- 11.20 Part of the proposal would involve the removal of some cherry trees along the existing boundary fence facing High Lane in order to create a new proposed gated access, new drive and cross-over leading to the building and attached triple garage. Land scape officer was not consulted in this current application. However, in the previously approved scheme under planning reference UTT/15/3121/FUL, the Landscape Officer did not raise objection to the proposed development subject to the submission and approval of a detailed scheme of landscaping which should include the provision of native species hedging to the road frontage of the site and the southern boundary. In addition, full details of enclosure of the site should be required to be submitted for approval, and should include the provision of timber post and rail fencing to the boundaries and a timber 5 bar gate at the driveway access. The provision of close boarded fencing is not considered appropriate in this setting. And further advised that details of tree protection measures to be put in place maintained during the course of construction should be submitted for approval; and these advices were conditioned in the previously approved scheme UTT/15/3121/FUL.
- 11.21 Therefore, it is considered such small amount of trees removal would not significantly harm the existing nearby trees and woodland character. The planting of other screen planting separating the development from the existing bungalow replaces any loss of trees associated with the proposed gated access. The proposal would comply with policy ENV8 of ULP (2005) and advice within NPPF.

I Affordable housing (H9 & PPG)

- 11.22 Policy H9 and its preamble form the basis for seeking affordable housing provision from new residential developments. In this case, the policy indicates that the proposal need not make a contribution.

J Housing land supply (11 & 73)

Paragraphs 14 and 73 of the NPPF seeks that local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73 and local planning authority's housing delivery was at least 45% of that required over the previous three years. As identified in the most recent housing trajectory document, Housing Trajectory and 5-Year Land Supply Statement 1 April 2018 (October 2018), the Council's housing land supply is currently 3.46 - 4.45 years. Therefore, contributions towards housing land supply must be regarded as a positive effect

12. CONCLUSION

Taking into account the above conflicts with the development plan and the NPPF, and all other material considerations, it is recommended that planning permission be refused.

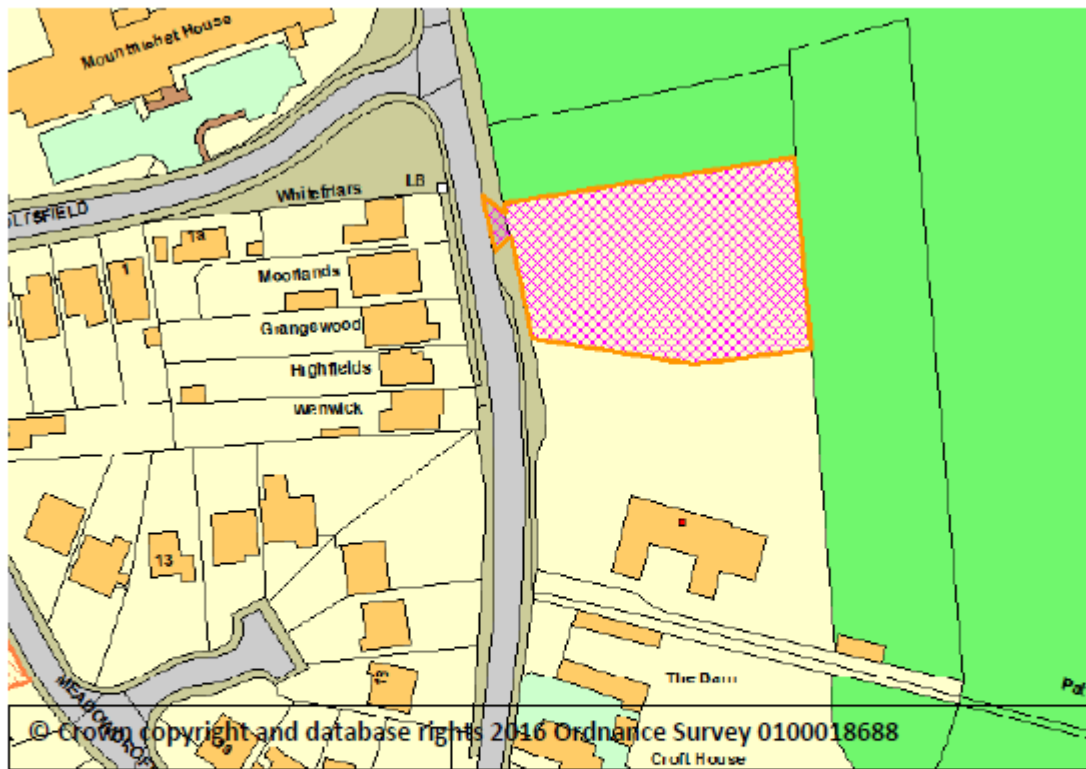
The following is a summary of the main reasons for the recommendation:

- A** There is no objection to the principle of new residential development in this location, given that planning permission has previously been approved for a large single storey dwelling within the application site. As such, this fall-back position has established the principle of the residential development of the application site when applying paragraph 6.13 Uttlesford Local Plan 2005, which permits limited infilling as a departure from the otherwise broad policy of restraint set out in policy S7 of ULP (2005).
- B** Having considered the proposed development in terms of its location, design and the development being two large dwellings, it is concluded to be an unacceptable development that would harm the character and appearance of the area, as the proposed arrangement would be at odds with the prevailing pattern of development locally. The proposed development would take the maximum width of the plot with little space between the houses. The position of the proposed buildings are likely to be harmful to the existing open character of the site and the softer more rural character found on the eastern side of High Lane. Therefore, the proposed scheme would have a rather urban appearance with the two divided plots to the rear dominated by the houses, the hard surfaces and the boundary treatment negatively impacting the open countryside character on the eastern side of High Lane. As such, the scheme would be contrary to Policies S7 and GEN2 of the Adopted Local Plan (2005) and advice within NPPF.

RECOMMENDATION – REFUSAL

Reasons

1. The proposed development involving the erection of 2 x one and half storey dwellinghouses with associated integral garages, parking areas amenity space, landscaping and new access would be out of character and introduce an urbanised appearance to the rural vernacular which would cause significant harm to the open and rural character of this part of the open countryside and thus a harder transition between the settlement and the countryside. The proposal would therefore detract rather than protect or enhance the character and appearance of this part of the countryside in which it is set. As such the proposal would be contrary to paragraph 79 of the NPPF, and polices S7 and GEN2 of the adopted (2005) Uttlesford District Local Plan.



Organisation: Uttlesford District Council

Department: Planning

Date: 20.03.2019