

UTT/19/0004/FUL (QUENDON & RICKLING)

(Referred to Committee by Cllr Gerard. Reason: Outside Development Limits;
Scale/bulk of design)

PROPOSAL: Demolition of two bungalows and a garage. Construction of 2 replacement houses and garages.

LOCATION: Park View and Pleasant View, Brick Kiln Lane, Rickling Green, Saffron Walden, CB11 3YH

APPLICANT: Michael Payne and Simply Salmon Ltd

AGENT: Donald Purkiss & Associates LLP

EXPIRY DATE: 12 April 2019

CASE OFFICER: Luke Mills

1. NOTATION

1.1 Countryside.

2. DESCRIPTION OF SITE

2.1 The site is located off Brick Kiln Lane, to the north-west of Rickling Green. It contains two detached bungalows and their grounds.

3. PROPOSAL

3.1 The application is for planning permission to demolish the existing bungalows and replace with two houses, each with a separate driveway, garage and rear garden.

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 2017.

5. APPLICANT'S CASE

5.1 The application includes the following documents:

- Planning Supporting Case Incorporating Design and Access Statement
- Extended Phase 1 Habitat Survey
- Bat Survey
- Biodiversity Validation Checklist

6. RELEVANT SITE HISTORY

6.1 In September 2017 and March 2018, planning permission was refused for four- and three-dwelling schemes respectively (UTT/17/2127/FUL & UTT/18/0087/FUL). Subsequent appeals were dismissed, and an extract

from the Inspector's decision letter is provided below:

"Concluding on the main issue, both appeal schemes would result in harm to the character and appearance of the area by virtue of limited and cramped plot sizes compared to the surrounding cluster."

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.
- 7.3 Relevant development plan policies and material considerations are listed below.

Uttlesford Local Plan (2005)

- 7.4 S7 - The Countryside
GEN1 - Access
GEN2 - Design
GEN3 - Flood Protection
GEN6 - Infrastructure Provision to Support Development
GEN7 - Nature Conservation
GEN8 - Vehicle Parking Standards
ENV2 - Development affecting Listed Buildings
H1 - Housing Development
H7 - Replacement Dwellings
H9 - Affordable Housing
H10 - Housing Mix

Supplementary Planning Documents/Guidance

- 7.5 SPD - Accessible Homes and Playspace (2005)
SPD - Replacement Dwellings (2006)
The Essex Design Guide
Parking Standards: Design and Good Practice (2009)
Uttlesford Local Residential Parking Standards (2013)

National Policies

- 7.6 National Planning Policy Framework (NPPF) (2019)
- paragraphs 11, 63, 73, 78-79, 102-111, 118, 127, 155-165, 170, 175 & 189-199

- Planning Practice Guidance (PPG)
- Conserving and enhancing the historic environment
 - Design
 - Flood risk and coastal change
 - Housing: optional technical standards
 - Natural environment
 - Planning obligations
 - Rural housing

Other Material Considerations

- 7.7 West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) (2015)
 Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)
 NPPF 2019 – Five Year Housing Land Supply update (March 2019)
 Emerging Local Plan
- SP1 Presumption in Favour of Sustainable Development
 - SP2 The Spatial Strategy 2011-2033
 - SP3 The Scale and Distribution of Housing Development
 - SP12 Sustainable Development Principles
 - H1 Housing Density
 - H6 Affordable Housing
 - H10 Accessible and Adaptable Homes
 - TA1 Accessible Development
 - TA2 Sustainable Transport
 - TA2 Provision of Electric Charging Points
 - TA3 Vehicle Parking Standards
 - TA4 New Transport Infrastructure or Measures
 - INF4 High Quality Communications Infrastructure and Superfast Broadband
 - D1 High Quality Design
 - D2 Car Parking Design
 - D7 Innovation and Variety
 - D8 Sustainable Design and Construction
 - D9 Minimising Carbon Dioxide Emissions
 - D10 Highly Energy Efficient Buildings
 - EN7 Protecting and Enhancing the Natural Environment
 - EN11 Surface Water Flooding

8. PARISH COUNCIL COMMENTS

8.1 Objection. Full response:

“Quendon and Rickling Parish Council objects to the proposals for the following reasons which are consistent with the Quendon and Rickling Village Plan, Reg. 14 Draft Newport & Quendon Neighbourhood Plan and Quendon and Rickling’s Planning Guidelines:

(I) The proposals remove two smaller properties from the housing stock within the village and replace them with two large properties. There is a shortage of smaller properties within the village, for first time buyers and those who wish to downsize, whilst there are numerous properties of a size similar to those that are proposed

(II) The design of the proposed properties will not enhance the character of

the village. They are large properties that would be built on high ground and consequently they would dominate the environment and the entrance to the village”

9. CONSULTATIONS

Highway Authority (Essex County Council)

9.1 No objections, subject to conditions.

Ecological Consultant (Place Services)

9.2 No objections, subject to conditions. Extract:

“The proposals are limited in scale/scope and according to the Preliminary Ecological Assessment (T4 Ecology, September 2017) are unlikely to impact designated sites, protected/priority species or priority habitats.

The OPDM Circular 06/05 is clear that further surveys are only required if there is a reasonable likelihood of biodiversity being impacted. Given the low ecological value of the site, further surveys are not required.”

Environmental Health Officer

9.3 No objections.

London Stansted Airport

9.4 No objections.

UK Power Networks

9.5 General advice regarding safe working near electrical lines/plant.

Gigaclear

9.6 General advice regarding the proximity of fibre broadband assets.

Cllr Hargreaves (Ward Councillor)

9.7 Objection due to design concerns. Extract:

“Although the reduced number of houses now deals with some of what was rejected at appeal, these houses are still pretty massive. 3 and 4 bedroom houses replacing small bungalows. Described as 1 and a half storeys but they clearly have two full levels

They are on rising ground, prominent, and would be the first buildings seen on the way into the village from Rickling. The agricultural building opposite is lower down. Allowing development of large houses here may set precedent for further similar development.”

10. REPRESENTATIONS

10.1 Neighbours were notified of the application by letter and a notice was

displayed near the site. The following concerns have been raised among the submitted representations:

- 1) Incompatible with the rural character of the area
- 2) The proposal reduces the number of small properties in the local area

10.2 These points are covered in the below appraisal.

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 heritage (S7, GEN2, ENV2, H7, 127, 170, 189-199 & PPG)
- C Transport (GEN1, GEN8 & 102-111)
- D Accessibility (GEN2, 127 & PPG)
- E Amenity (GEN2 & 127)
- F Flooding (GEN3, 155-165, PPG & SFRA)
- G Infrastructure (GEN6)
- H Biodiversity (GEN7, 175 & PPG)
- I Affordable housing (H9 & 63)
- J Housing mix (H10 & SHMA)
- K Housing land supply (11 & 73)
- L Effective use of land (118)

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

11.1 The site is located within a small group of dwellings near Rickling Green, and is currently occupied by two bungalows. As there would be no increase in the number of dwellings, the above policies on the location of housing are not applicable.

B Character, appearance and heritage (S7, GEN2, ENV2, H7, 127, 170, 189-199 & PPG)

11.2 The proposed development includes similar designs to those in recent applications. However, a more spacious appearance has been achieved through the reduction to two dwellings, garages and accesses. It is therefore considered that the reason for dismissing the recent appeals, due to a cramped layout, has been resolved. The result is a scheme that would fit comfortably with the varied architectural styles and rural character that provide the setting for the site.

11.3 It is noted that two Grade II listed buildings, Little Mynchens and Kiln Cottage, are located to the south-east of the site. Nevertheless, it is considered that a combination of distance and the curvature of the road ensure that the development would not have a significant effect on the setting of these heritage assets.

11.4 It is concluded that the proposal accords with the above policies insofar as they relate to character, appearance and heritage. In coming to this view, regard has been had to the Council's statutory duty under S66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

C Transport (GEN1, GEN8 & 102-111)

- 11.5 Taking into account the comments of the highway authority, it is considered that there would be no adverse effects on road safety or efficiency. Furthermore, the proposed off-street parking provision would be in accordance with the Council's minimum standards.

D Accessibility (GEN2, 127 & PPG)

- 11.6 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 & 127)

- 11.7 Taking into account The Essex Design Guide, which constitutes non-adopted but useful guidance, 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. It is therefore concluded that the proposal accords with the above policies insofar as they relate to amenity.

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

- 11.8 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.

G Infrastructure (GEN6)

- 11.9 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, 175 & PPG)

- 11.10 Taking into account the comments of the Council's ecological consultant, 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.

I Affordable housing (H9 & 63)

- 11.11 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 mix (H10 & SHMA)

- 11.12 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. However, the preamble to the policy does not reference site area so the justification for the requirement is unclear. It is therefore considered that the housing mix requirements should only be applied to developments of three or more dwellings.

K Housing land supply (11 & 73)

- 11.13 Paragraphs 11 and 73 of the NPPF describe the importance of maintaining a five-year supply of deliverable housing sites. As identified in the most recent housing trajectory document, 'NPPF 2019 – Five Year Housing Land Supply update (March 2019)', the Council's housing land supply is currently 3.29 years. Therefore, contributions towards housing land supply must be regarded as a positive effect.

L Effective use of land (118)

- 11.14 Paragraph 118 of the NPPF encourages the reuse of previously developed land, a classification which applies to the application site. Therefore, weight should be given to the positive effect of the development in this regard.

12. CONCLUSION

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

- A** The proposal accords with the development plan and the NPPF, and no material considerations indicate that planning permission should be refused. It is therefore recommended that permission is 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 any works above slab level, 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
- 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.

3. Prior to occupation of any dwelling, 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) and the National Planning Policy Framework.

4. 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.

5. The development must be carried out in accordance with the ecological measures and/or works recommended in the submitted Preliminary Ecological Assessment (T4 Ecology, September 2017) (Section 5.2, page 19).

REASON: To conserve and enhance biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

6. 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.

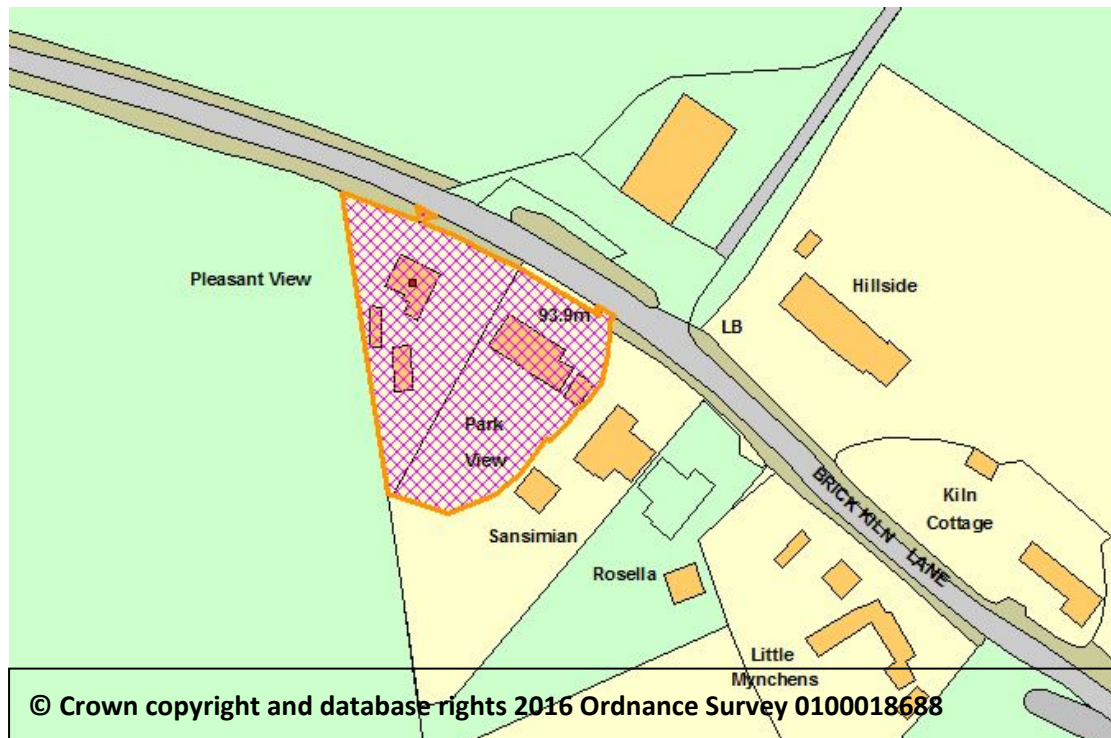
REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

7. The eaves and ridge heights of the permitted dwellings relative to the existing dwelling at Sansimian must be as shown on Drawing No. 1631.04 Rev B.

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.

Application: UTT/19/0004/FUL

Address: Park View and Pleasant View, Brick Kiln Lane, Rickling Green,
Saffron Walden, CB11 3YH



Organisation: Uttlesford District Council

Department: Planning

Date: 19/03/2019