

UTT/ 19/0946/FUL (AYTHORPE RODING)

(Referred to Committee as the Assistant Director Planning and Building Control considers that this report should do so)

PROPOSAL: **Erection of 5 no. residential dwellings including 2 no. Starter Homes, formation of new vehicular access and associated parking and landscaping**

LOCATION: **Land east of Dunmow Road, Aythorpe Roding**

APPLICANT: **Mr Howlett**

AGENT: **Real8 Group**

EXPIRY DATE: **21 June 2019**

CASE OFFICER: **Jonathan Doe**

1. NOTATION

1.1 Outside development limits

2. DESCRIPTION OF SITE

2.1 The site is a linear section of land consisting of grassland enclosed by trees around the boundary. To the north is an open agricultural field. On the opposite side of School Lane, to the south, is a recent development known as Old Mill Close. There is also recent residential development to the east.

2.2 The site is by the junction of Dunmow Road with School Lane. The locality is known as Beadles Green. Keeres Green is to the east and the locality in wider terms goes by this name. Leaden Roding is about half a mile to the south.

3. PROPOSAL

3.1 Three detached houses and a pair of semi-detached houses facing School Lane. The pair of semi-detached houses and a detached house would share one vehicular access and another vehicular access would be shared by two detached houses.

3.2 The pair of semi-detached houses would each have three bedrooms, two detached houses would have four bedrooms and one detached house would have five bedrooms.

3.3 The pair of semi-detached houses are described in the application documentation as starter homes.

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 documentation includes a detailed landscaping masterplan and streetscene elevations illustrating the proposed appearance along the road. A Statement of Community Involvement, Transport Statement, Landscape Planning Statement, Flood Risk Assessment with surface water management strategy, Ecology Report and a Design and Access Statement also form part of the application documentation.
- 5.2 The Planning Statement makes the points that the local planning authority cannot currently demonstrate a five year supply of housing land and that Policy S7 has been found to be only partially compliant the National Planning Policy Framework.
- 5.3 In the context of recent residential development to the south and to the east, the proposal is argued to represent a natural closing off of development by terminating at Dunmow Road.

6. RELEVANT SITE HISTORY

- 6.1 Not applicable, no previous planning application.

7. POLICIES

7.1 Uttlesford Local Plan (2005)

S7 - The Countryside
GEN1 – Access
GEN2 – Design
GEN3 - Flood Protection
GEN8 - Vehicle Parking Standards
H9 - Affordable Housing
H10 - Housing Mix

7.2 Supplementary Planning Documents/Guidance

Uttlesford Local Parking Standards
ECC Parking Standards DGP09/2009
Essex Design Guide
Accessible homes and playspace

7.3 National Policies

National Planning Policy Framework

7.4 Other Material Considerations

Not applicable.

8. PARISH COUNCIL COMMENTS

- 8.1 The Parish Council is neutral on this application but OBJECTS to support the strong objections of the neighbours.

9. CONSULTATIONS

Crime Prevention

- 9.1 UDC Local Plan Policy GEN2 - Design (d) states" It helps reduce the potential for crime" There is no apparent concern with the layout, however, to comment further the finer detail such as the proposed lighting, boundary treatments and physical security measures would be required. The opportunity to consult on this development would be welcomed, to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" whilst achieving a Secured by Design award.
- 9.2 From experience pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application.

10. REPRESENTATIONS

- 10.1 A site notice was posted. 29 letters were sent to occupiers of neighbouring properties. 15 letters of objection have been received making points summarised below:
- Disturbance and disruption during construction
 - Noise disturbance from traffic
 - Overlooking/loss of privacy
 - Loss of nature conservation value of site
 - Overbearing impact due to higher elevation of site in relation to our house
 - Loss of a greenfield site, nearby recent development have been on brownfield land
 - Adverse impact on local services
 - Likely to create drainage problem
 - scale, form and density not in keeping with the locality
 - would add to a small hamlet losing its character
 - unimaginative, fairly standard houses
 - would set an undesirable precedent
 - design different to that presented at village hall
 - increased traffic due to development would increase highway hazard at the junction
 - the site is not allocated for development in the emerging Local Plan
 - proposal not in a sustainable location; very small focus of some local services fall significantly short of being able to cater for reasonable day-to-day needs of future occupiers
 - would add to light pollution
 - speculative ribbon development of a green field site
 - completely different proposal to those which have been made for nearby sites which were brownfield
 - use of septic tanks, in absence of a mains sewer, could lead to problems
 - would create a very over developed and urbanised feel
 - would destroy the charm of this very attractive hamlet
 - would eliminate an important green space
 - due to shape of site, houses would be set too close to road
 - Keers Green has contributed to housing supply with the approval of 14 houses: about a 50% increase in population

- Hard surfacing would be clearly visible from road
- Loss of trees would harm landscape

11. APPRAISAL

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

- A The effect of the proposal on the character and appearance of the area and the quality of the design of the houses and their layout (Policy S7)
- B Whether the site is an appropriate location for new housing development, having regard to the principles for sustainable development (Policy S7)
- C Impact to neighbours (Policies GEN2 and GEN4)
- D Whether the houses would provide sufficient amenity to future occupiers (Policy GEN2)
- E Car parking and highway access (Policies GEN1 and GEN8)
- F Drainage and flood risk (Policy GEN3)
- G Affordable housing and mix of house types (Policies H9 and H10)
- H Biodiversity issues (Policy GEN7)

A The effect of the proposal on the character and appearance of the area and the quality of the design of the houses and their layout (Policy S7)

- 11.1 The proposal would replace a typical rural scene of a boundary hedge with open land behind with contemporary detached houses on generous plots. The overall visual impression likely to be created by the proposal would be generally a replication of the appearance of development on the opposite side of the road. It is considered that the proposal would be detrimental to the character of the area which is formed by its rural nature.
- 11.2 The means of vehicular access to the development has been limited to two vehicular access points, built form would not be set directly behind the opening for the junctions onto the road and a landscaping scheme has been produced. Existing vegetation would be retained to provide a screen to the four built forms of the houses and a detached double garage. Nevertheless, it would be apparent that the nature of the site had changed if the proposal were implemented. The vehicular accesses are both some 7m wide, the two-storey with pitched roofs built forms would be visible above a hedge between trees and it is considered highly likely that the rough, semi-natural appearance of the hedge would become more domesticated and more sub-urban and generally change from its current rural character. The proposal would visually continue an extension of modern built form at this part of the countryside.
- 11.3 Policy S7 states that 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. There is no special reason why the development would need to be there. It is judged that the proposal would fail to protect the rural character of the site and represent erosion to the existing character of the broader setting of the locality.
- 11.4 Policy S7 also seeks to protect the countryside for its own sake. The proposal is contrary to this aspect of the policy. Whilst the proposed houses would be across the road from existing houses and continue existing linear development to the east, the site is in a hamlet with no apparent services or facilities within easy reach. In considering an appeal for a proposal elsewhere in the hamlet (reference

APP/C1570/W/18/3206066, paragraph 13) an Inspector that given the rural location of the site located some distance to any services and facilities, it would be highly likely that the future occupiers of that site would be mostly dependent upon the private car. The same is considered to be the case with the current planning application and whereas the appeal site was for a single dwelling the current proposal would have a five-fold effect on demand to travel to shops and other services by car. Given that the site is not in a sustainable location, the proposal does not benefit from the presumption in favour of sustainable development.

- 11.5 It is considered that the proposal would have a material adverse effect to the appearance and character of the site and its setting by introducing an extension of built forms into the countryside. As such it is fundamentally contrary to the requirement of Policy S7 to protect or enhance the character of the countryside. It is considered that the proposal is essentially contrary to the National Planning Policy Framework which, whilst advocating good design, also expects developments to fit in with the overall form and layout of their surroundings and be sympathetic to local character history including the surrounding built environment and landscape setting (Section 12).
- 11.6 With regard to the design of each individual house and the spacing between built forms of houses and a double garage, the design is acceptable though perhaps somewhat uninspiring. Nevertheless, the appearance of the houses themselves within the site is such that this aspect of the proposal could not form a justifiable reason for refusal. Rather, the filling up of this sensitive site at a road junction with two-storey houses would create an enclosure to this part of School Lane which would result in a sub-urban character which would significantly diminish the quality of the site as existing and negatively impact on the character of the setting.
- 11.7 The NPPF refers to the recognition of the “intrinsic character and beauty of the countryside” at paragraph 170. This wording is less restrictive than “protection” as required by Policy S7. At appeal Inspectors have been found to state that Policy S7 can be afforded only moderate weight. Nevertheless, the proposal does conflict with Policy S7.
- 11.8 With regard to the lack of an ability to definitively demonstrate a current five year land supply, paragraph 11 of the NPPF states at (d) where there are no relevant development plan policies, or the policies most important for determining the application are out-of-date (including housing, where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. In this particular case the main adverse impacts are considered to be those which could be summarised as allowing development which is not sustainable development; allowing development contrary to the aim of promoting sustainable transport; not making effective use of land; not achieving a well-designed place when considered in the context of its setting; and, especially, failing to conserve or enhance the natural environment. Paragraph 170 of the NPPF refers to how planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (in a manner commensurate with their identified quality in the development plan). Policy S7 identifies the quality of land to which it relates as being countryside. The proposal would be at odds with this quality.

B Whether the site is an appropriate location for new housing development, having regard to the principles for sustainable development (Policy S7)

- 11.9 As referred to in paragraph 11.4, the site is in a hamlet with no apparent services or facilities within easy reach. The planning statement forming part of the application documentation refers to how the site sits within the Rodings, a group of small villages including some shops, pubs and services, including village halls and a local school, Rodings Primary. Facilities within walking distances from the application site include Rodings Primary School (730m), Aythorpe Roding Village Hall (830m), The Country Shop Off Licence (1.1km), The Axe & Compasses Pub, (1.3km) and Parklands Business Centre (1.7km).
- 11.10 The closest bus stops are located on the B184 Dunmow Road to the north of the site within a 650m (8 minute) walk. These stops are served by two services (no. 17 and no. 18) that provide access to Chelmsford and Great Dunmow. However, both services offer limited service frequency. An additional bus stop is on the A1060 Stortford Road. This provides an additional service (no. 59) within a 1km (15 minute) walk. This service provides an hourly service to Chelmsford and Harlow.
- 11.11 However, in relation to a recent (11th April 2019) appeal decision (APP/C1570/W/18/3206066) for a site at land adjacent to Cut Elms Farmhouse, less than 500m to the east along School Road, the Inspector commented, in paragraph 13, that Keeres Green is a small settlement with no apparent services or facilities within easy reach. Given the rural location of the site located some distance to any services and facilities, it is highly likely that future occupiers of the site would be mostly dependent upon the private car.

C Impact to neighbours (Policies GEN2 and GEN4)

- 11.12 Neighbours would be on the far side of the road or set to the east.
- 11.13 Given the amount of spacing between built forms, illustrated by the streetscene drawing submitted, and the positioning of the spaces between the proposed houses, referred to on the 15th page of the design and access statement, the contention raised in letters of objection that the proposal would be overbearing cannot be supported.
- 11.14 Some first floor windows would look in the direction of residential properties, and their private amenity areas, at Old Mill Close but over a distance of some 25m. Having considered the detailed arrangement of the proposed development, it is considered that there would be no material adverse impact to any neighbour which on valid planning grounds would be sufficient to reasonably justify a reason for refusal of the proposed development.

D Whether the houses would provide sufficient amenity to future occupiers (Policy GEN2)

- 11.15 Private amenity provision and car parking provision are considered to be acceptable for future occupiers. The design of the proposed houses is such that they would provide an environment which would meet the reasonable needs of all potential users.

E Car parking and highway access (Policies GEN1 and GEN8)

- 11.16 Applicants are required to show that their development would not compromise the safety of the highway by ensuring that any additional traffic generated by the development can easily be accommodated within the existing highway network (Policy GEN1) and by providing a commensurate level of parking that is appropriate for the development (Policy GEN8).
- 11.17 A Transport Statement has been submitted as part of the application which states that it is considered that this level of traffic will result in a negligible change in traffic flows on the local highway network as a result of the proposed development of the site. Whilst the development would lead to an uplift of traffic, due to the relatively small number of proposed dwellings, such an increase would be acceptable.
- 11.18 Parking requirements for residential developments depend in part on the number of bedrooms for each house:
Two and three bedrooms: two parking spaces
Four or more bedrooms: three parking spaces
- 11.19 Based on the above standards the proposal would generate a total requirement for 13 spaces. This level of provision would be available. Given the extent of hardsurfacing involved in the design, it is considered that visitor parking would be available to an ample degree.

F Drainage and flood risk (Policy GEN3)

- 11.20 Policy GEN3 requires development outside flood risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere.
- 11.21 The site is located within Flood Zone 1, therefore it is a site with the lowest risk of flooding
- 11.22 The Flood Risk & Surface Water Management Statement, forming part of the application documentation, confirms that a sustainable drainage scheme could be implemented. This would meet the aim that flood risk is not increased elsewhere.

G Affordable housing and mix of house types (Policies H9 and H10)

- 11.23 Policy H9 states that the Council will seek to negotiate on a site to site basis an element of affordable housing of 40% of the total provision of housing on windfall sites. It is understood that the two 3-bedroomed houses, the pair of semi-detached houses, would be presented by the applicant to address this policy. No objection is therefore raised in principle to the proposal with regard to ULP Policy H9. Furthermore, affordable housing can no longer be requested by the Council for housing developments of ten or less housing units in line with advice in relation to the NPPF.
- 11.24 However, it is considered that these two 3-bedroom houses would represent a significant proportion of market housing comprising small properties. The pair of semi-detached houses would be homes for those households who are able to meet their needs in the market and would like to live in a new home. Accordingly, the proposal is considered acceptable with regards to Policy H10.

H Biodiversity issues (Policy GEN7)

- 11.25 An ecological review of the application site was undertaken on behalf of the applicant. The ecological review report finds that the site as a whole is considered to have a low biodiversity value. The report concludes that there are several opportunities for ecological enhancement on site.
- 11.26 No ecology objection is raised to the proposal with regard to ULP Policy GEN7.

12. CONCLUSION

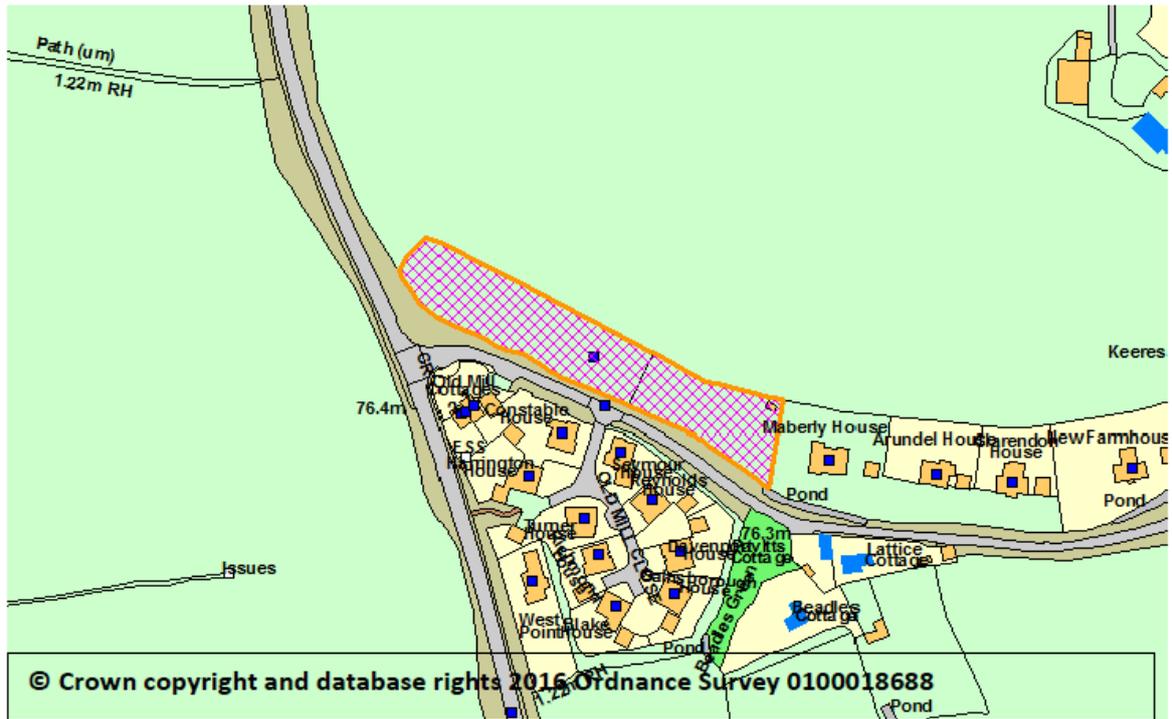
The following is a summary of the main reasons for the recommendation:

- A** The effect of the proposal on the character and appearance of the area would be detrimental and to a degree that would reasonably justify refusal. The housing development would appear as being incongruous within its wider countryside setting.
- B** The site is an inappropriate location for new housing development, having regard to the principles for sustainable development.
- C** Whilst neighbours may perceive a sense of overlooking from the development, the detailed arrangement of the design is such that no direct loss of residential amenity would occur that would be sufficient to adequately justify refusal.
- D** A high degree of residential amenity would be provided for future occupiers.
- E** Car parking and highway access would be adequate.
- F** The site is in a locality with the lowest risk of flooding. If planning permission were to be granted a condition could address sustainable drainage.
- G** The issue of Affordable Housing is acceptable given that the proposal is not major development. The housing mix would meet policy requirements.

RECOMMENDATION – REFUSAL

Reasons for refusal

1. The proposal, by reason of the introduction of built form at a prominent site by a corner of a road junction, would result in significant harm to the character and appearance of the area by urbanising the site and its setting. The proposal would detract from the open and rural character of the site. As such the proposal is contrary to Policies S7 and GEN2 of the adopted Uttlesford Local Plan; Policy SP 10 of the Regulation 19 Uttlesford Local Plan; and, the provisions of the National Planning Policy Framework.
2. The proposal is not sustainable development in that it represents development at an unsustainable location, not within a settlement or other site boundary. The creation of residential properties at this site would require future occupiers to travel by car to services. As such, the proposal would be contrary to the provisions of the National Planning Policy Framework; contrary to the adopted Uttlesford Local Plan Policy S7 and contrary to the Uttlesford Local Plan Regulation 19 version Policy SP10.



Organisation: Uttlesford District Council

Department: Planning

Date: 12 June 2019