

## **UTT/17/1950/FUL - (CLAVERING)**

(Referred to Committee by Cllr Oliver. Reason: Harm to the countryside; Runs contrary to the decision of the Inspector on a previous application)

**PROPOSAL:** Two new dwellings on land formerly the garden of The Hazels.  
Revised scheme to that approved under UTT/17/0188/FUL.

**LOCATION:** Land Adjacent to The Hazels, Wicken Road, Clavering

**APPLICANT:** Mr Sansome & Mrs Herring

**AGENT:** Mr C Hennem (Pelham Structures)

**EXPIRY DATE:** 2 October 2017

**CASE OFFICER:** Luke Mills

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### **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 2017.

### **5. APPLICANT'S CASE**

5.1 The application includes the following documents:

- Planning Statement
- Sustainable Construction report
- Sustainable Construction Pre-Application Checklist
- Lifetime Homes Statement
- Site Waste Management Plan
- Supplementary Ecology Report (7 February 2017)
- Biodiversity Validation Checklist
- Landscape & Visual Appraisal (01/11/2016)

### **6. RELEVANT SITE HISTORY**

6.1 In May 2017, planning permission was granted for a similar two-dwelling

development. The new proposal includes houses of a larger scale, with garaging also included.

## **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)**

- 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, 32-39, 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)  
Housing Trajectory 1 April 2017 (August 2017)

## **8. PARISH COUNCIL COMMENTS**

8.1 Objection. Concerns include:

- Harm to the character and appearance of the area
- Benefits do not outweigh the adverse effects of the development

## **9. CONSULTATIONS**

### **Highway Authority (Essex County Council)**

9.1 No objections, subject to conditions.

### **Senior Consultant Ecologist (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.”

## **10. REPRESENTATIONS**

10.1 Neighbours were notified of the application by letter. The following concerns have been raised among the submitted representations:

- 1) The site is outside the defined Development Limits
- 2) Harm to the character and appearance of the area
- 3) Adverse effect on biodiversity
- 4) Overbearing impact on Green Gables
- 5) Noise disturbance affecting Green Gables
- 6) Air pollution affecting Green Gables
- 7) Potential applications for further development on the site in the future
- 8) Previous proposal included a gift of land to neighbouring premises

10.2 The following comments are made regarding the above numbered points:

- 1) – 5) Considered in the below appraisal.
- 6) It is considered that the proposal would not give rise to a significant increase in air pollution. Any localised nuisances are covered by environmental health legislation.
- 7) The decision must be based on the current proposal. Any future applications would be assessed on their merits.
- 8) Land ownership issues are not directly relevant to this planning decision.

## **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 & 32-39)
- 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 acknowledged that the proposal has evolved over time. The dismissed appeal (UTT/15/2348/FUL) related to two houses – one of a similar design to the current Plot 2 and the other containing a full two storeys. Detached garages to the rear extended the built development deep into the site. Subsequently, the recent planning permission related to two dwellings of a one to one-and-a-half storey scale, with no garages.
- 11.5 It is considered that the proposed dwellings, while larger than those recently approved, would appear compatible with their surroundings. Importantly, the vertical scale of one to one-and-a-half storeys would integrate well with the existing street scene, while the position of garages to the side ensures that development would not extend uncharacteristically deep into the site. It is considered that there is no uniform building line which should be rigidly applied to the new development. It is concluded that the detailed design accords with the above policies insofar as they relate to character and appearance.

## **C Transport (GEN1, GEN8 & 32-39)**

- 11.6 Taking into account the limited range of services, facilities and places of work in Clavering, it is considered that the occupants of the proposed dwelling would need to travel to meet their day-to-day needs. The limited public transport options ensure that the car would be relied upon heavily, in conflict with Policy GEN1. However, paragraph 34 of the NPPF takes a softer approach to sustainable transport that recognises the differing opportunities between urban and rural areas.
- 11.7 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 32-39 of the NPPF.
- 11.8 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)**

- 11.9 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)**

- 11.10 Taking into account the guidance in The Essex Design Guide, it is considered that the proposed rear gardens would be of a suitable size because they would be larger than 100 sq m.
- 11.11 It is noted that concerns have been raised regarding noise disturbance and overbearing impacts affecting Green Gables. However, it is considered that the low-intensity residential use of the site and the relatively low eaves height of Plot 1 ensure that there would be no significant loss of amenity for the existing occupiers.
- 11.12 The first floor window at the north-eastern end of Plot 2's front elevation would provide a partial view of the garden at The Hazels. However, taking into account the oblique angle, the separation distance of more than 25 m and the retention of a private patio area and ample garden land, it is concluded that there would be no significant loss of amenity.
- 11.13 Overall, it is concluded that the proposal accords with Policy GEN2 and paragraph 17 of the NPPF insofar as they relate to amenity.

## **F Flooding (GEN3, 100-104, 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 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)**

- 11.15 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.

#### **H Biodiversity (GEN7, 118 & PPG)**

- 11.16 The application is accompanied by an ecological 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. A biodiversity management plan could be secured using a condition.

#### **I Affordable housing (H9 & PPG)**

- 11.17 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.
- 11.18 Policy H9 indicates that, although the site area is greater than 0.5 ha, affordable housing provision should not be sought from the proposed development because it would equate to less than three units.

#### **J Housing mix (H10 & SHMA)**

- 11.19 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 (47-49)**

- 11.20 Paragraphs 47-49 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, Housing Trajectory 1 April 2017 (August 2017), the Council's housing land supply is currently 3.77 – 4.2 years. Therefore, contributions towards housing land supply must be regarded as a positive effect.

### **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 and the positive effect regarding housing land supply, 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, details of a pedestrian footpath extension on the south western side of the proposed access to tie in with the existing footway outside Green Gables must be submitted to and approved in writing by the local planning authority. The footpath extension must be formed in accordance with the approved details prior to occupation of any dwelling.

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. 018.100a 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. 018.100a.

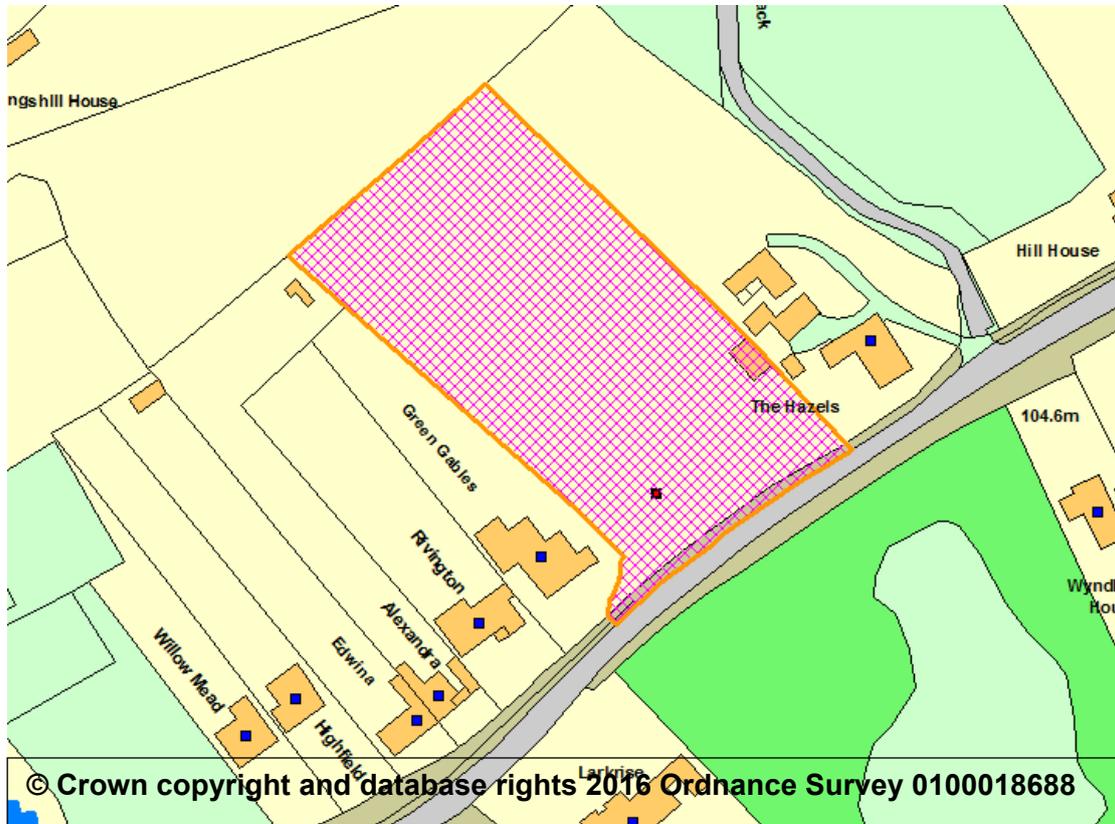
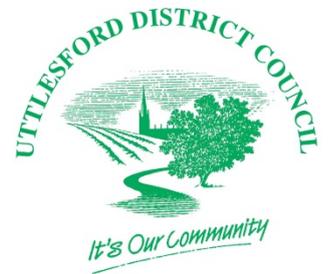
REASON: For the avoidance of doubt and to ensure compatibility with the character and appearance of the area, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

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/17/1950/FUL

Address: Land Adjacent to The Hazels, Wicken Road, Clavering



Organisation:	Uttlesford District Council
Department:	Planning
Date:	14 September 2017