

UTT/19/1725/FUL (GREAT CHESTERFORD)

(Referred to Committee by Cllr Gregory. Reason: Overdevelopment of the site and access)

PROPOSAL: 3 new dwellings with associated garages from new access at land rear of Acre Croft (re-submission of previously approved scheme under references UTT/15/1424/OP and UTT/16/0328/DFO).

LOCATION: Land at Acre Croft, High Street, Great Chesterford

APPLICANT: Mr Clark

AGENT: Mr Ryan Alborne, BBR Architects

EXPIRY DATE: 16th September 2019

CASE OFFICER: Robert Davis

1. NOTATION

- 1.1 Countryside (part); Within Development Limits (part); Conservation Area (part).

2. DESCRIPTION OF SITE

- 2.1 The site is located on the south side of High Street on the south-west side of The Plough Public House (Grade II listed) and associated car park and comprises the long rear garden and tennis court of Acre Croft, a modern detached dwelling which fronts onto High Street at the north-east end of a continuous row of dwellings of varied character and age of construction which extend up the street frontage from the village centre. The site is relatively flat and is enclosed to the flank boundaries by trees and single storey curtilage buildings, whilst the rear boundary is enclosed by a more substantial tree screen onto the Thorpe Lea site. The site has an area of approximately 0.36 ha.
- 2.2 Two recently constructed detached dwellings of considerable size and proportions known as Ashbee House and Webb House border the site to the south west. To the rear of the site is a new residential development of 31 dwellings at Thorpe Lea.

3. PROPOSAL

- 3.1 Full planning permission is sought for the erection of three detached dwelling houses on land to the rear of Acre Croft following the insertion of a new access to the side of the dwelling.

4. APPLICANT'S CASE

- 4.1 The application includes the following documents:
- Design & Access Statement
 - Heritage Statement
 - Archaeological evaluation report

- Arboricultural Assessment
- Biodiversity Validation Checklist
- Preliminary Ecological Appraisal
- Ecological Impact Appraisal Update
- Transport Statement

5. RELEVANT SITE HISTORY

- 5.1 UTT/15/1424/OP Outline application for the erection of 3 no. Dwellings and garages with all matters reserved except access and scale. Approved.

UTT/16/0328/DFO Details following outline application UTT/15/1424/OP for the erection of 3 no. dwellings - details of appearance and layout. Approved.

The above approval was for three identical dwellings. These dwellings are the same as now sought within this application for Plots 2 and 3. This development was required to be commenced within two years of the decision dated 21st October 2016. As such the consent has lapsed.

- 5.2 UTT/16/0341/FUL Removal of condition number 10 of UTT/15/1424/OP (The three dwellings shown in indicative form for the development hereby permitted by this outline permission shall have a combined gross internal floorspace not exceeding 1,000sqm for any reserved matters application that may be submitted to the local planning authority for subsequent approval) to allow floor area in excess of 1000m² with no change to design footprints or scale. Approved.

Since the granting of the outline application, there had been a change in government policy as set out in updated NPPG advice in respect of tariff style financial contributions relating to affordable housing affecting the quantum of dwellings which are now subject to financial contributions. Given this change in government policy advice and whether the Council ought still to be reliant upon its adopted Developers Contributions SPD document in relation to tariff style contributions (where otherwise it would rely on ULP Policy H9 of the adopted local plan for 40% affordable housing provision for 15 or more dwellings or sites of 0.5ha or more where neither of these circumstances apply to the application proposal for Acre Croft), it is considered that there was no justified policy basis as to why condition 10 of the outline permission should not be removed given the condition was imposed solely to prevent a trigger for affordable housing contributions under the Council's SPD document for any subsequent reserved matters application for the proposed development and not in respect of the planning merits of the development itself.

- 5.3 UTT/19/0436/FUL 3 new dwellings with associated garages from new access at land rear of Acre Croft (re-submission of previously approved scheme under references UTT/15/1424/OP and UTT/16/0328/DFO). This was refused for the following reason:

The proposed development fails to address the housing mix requirements of the District and would therefore have an adverse effect on the community, in conflict with Policy H10 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

This application was a resubmission of the previously approved, but time lapsed, scheme.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework
- Planning Practice Guidance

6.2 Uttlesford District Local Plan 2005

- S3 Other Development limits
- S7 The Countryside
- GEN1 Access
- GEN2 Design
- GEN3 Flooding
- GEN6 Infrastructure
- GEN7 Nature Conservation
- GEN8 Vehicle Parking Standards
- ENV1 Design of Development within Conservation Areas
- ENV2 Development affecting Listed Buildings
- ENV4 Ancient Monuments and Sites of Archaeological Importance
- H3 New Houses within Development Limits
- H4 Backland Development
- H9 Affordable Housing
- H10 Housing Mix
- SPD Lifetime Homes
- SPD Parking

6.3 Uttlesford District Regulation 19 Local Plan

- SP9 Development within Development Limits

6.4 Strategic Housing Market Assessment (SHMA) 2017

7. PARISH COUNCIL COMMENTS

7.1 Great Chesterford Parish Council objects to this application as the Council considers it over development of the site. The proposal overlooks neighbouring properties (PP Gen 2) and includes material change from the approved scheme due to the significant increase in size of two of the properties. The Council continues to have strong reservations regarding the limited width access (PP Gen 1) and is not convinced that sufficient parking spaces are provided (PP Gen 8.)

7.2 The Council also notes concerns relating to the accuracy of the plans and written documents, including the locations of trees within the plans. The Council has requested that District Cllr Gregory calls this application in to Planning Committee

and notes that should the application be approved despite the Council's objections, then the Council would request S106 funds towards recreational facilities

8. CONSULTATIONS

Essex County Council Highways

- 8.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to recommended conditions.

Essex County Council Ecology

- 8.2 We have reviewed the Preliminary Ecological Appraisal (Greenwillows Associates Ltd., November 2014) and Update (Greenwillows Associates Ltd., June 2017) relating to the likely impacts of development on designated sites, protected species and priority species / habitats. We are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on Protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable.
- 8.3 The mitigation measures identified in the Preliminary Ecological Appraisal (Greenwillows Associates Ltd., November 2014) should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species.

9. REPRESENTATIONS

- 9.1 Two representations received in objection which in the main raise the following concerns:
- Sets inappropriate precedent and overdevelopment of garden plots
 - Plots 01 and 02 still overbearing
 - Garage on Plot 01 under tree canopy
 - Landscape proposal should be provided
 - Does not demonstrate safe vehicular access and exit in regard to the construction phase, general household traffic movements, refuse collection and emergency services.
 - Extremely narrow access point
 - Correct plot size and scale of development should be examined
 - Does not address housing mix by reducing one dwelling
 - Unreasonable to live with continued threat of village development
 - Potential damage from construction vehicles on High Street and required turning circle
 - Village location unsuitable in size for 2 x 8-bed dwellings over 3 floors & 1 x 3-bed dwelling.

10. APPRAISAL

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

- A Location of housing (S3, S7, H3, H4, NPPF)
- B Character, appearance and heritage (S3, S7, GEN2, ENV1, ENV2, NPPF)
- C Transport (GEN1, GEN8, NPPF)
- D Accessibility (GEN2)
- E Amenity (GEN2, NPPF)
- F Flooding (GEN3, NPPF, PPG)

G Infrastructure (GEN6)
H Biodiversity (GEN7, NPPF)
I Archaeology (ENV4)
J Affordable housing (H9)
K Housing mix (H10, SHMA)

A Location of housing (S3, S7, H3, H4, NPPF)

- 10.1 The 2005 Local Plan places part of the site beyond the Development Limits for Great Chesterford, and therefore in a countryside location that is inconsistent with policies on the location of housing.
- 10.2 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 the village ensures its consistency with paragraphs 78-79. This has been evidenced by the previous planning consent on the site. It is further noted that the Regulation 19 Local Plan expands the development limits to incorporate the site and the Thorpe Lea development beyond.
- 10.3 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.

B Character, appearance and heritage (S3, S7, GEN2, ENV1, ENV2, NPPF)

- 10.4 Notwithstanding the scale of the dwellings the backland location of the proposed houses ensures that they would not be prominent in the street scene, and that there would be no significant impact on the conservation area or the setting of nearby listed buildings. Furthermore, their traditional designs are considered compatible with the varied architecture in the surrounding area. It is therefore concluded that the proposal accords with the above policies insofar as they relate to character, appearance and heritage.

C Transport (GEN1, GEN8, NPPF)

- 10.5 The site's location within a relatively large village ensures that the occupants of the proposed dwellings would have access to a small range of services and facilities, and to a train station with regular services to Cambridge and London. It is therefore considered that the proposal meets the sustainable transport objectives of Policy GEN1 and paragraph 103 of the NPPF.
- 10.6 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, while the parking bays in the proposed double garages would be shorter than required by the Council's minimum standards, there would be space for one vehicle and the ample driveways ensure that the total parking provision would be compliant.

D Accessibility (GEN2)

10.7 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, NPPF)

10.8 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, NPPF, PPG)

10.9 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 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)

10.10 It is noted that Great Chesterford Parish Council have requested a financial contribution towards the provision of recreational facilities. Paragraph 56 of the NPPF states that planning obligations must only be sought where they meet all the following tests:

- a. Necessary to make the development acceptable in planning terms;
- b. Directly related to the development , and
- c. Fairly and reasonably related in scale and kind to the development.

10.11 Taking into account the nature and scale of a residential development of three dwellings, it is considered that there would be no requirement for any financial contribution to provide off-site infrastructure as this does not fulfil the above tests as outlined in the CIL Regulations.

H Biodiversity (GEN7, NPPF)

10.12 The tree survey report concludes that the proposed development should be possible to be carried out without the need to remove or disturb the majority of the boundary trees subject to a suitable arboricultural method statement being produced. As before Plot 3 is proposed to have a garage which would be located under part of the tree canopy for an Ash tree (T3). A condition is recommended to ensure suitable foundations are provided given that trench type foundations can hinder the extent of rooting systems.

10.13 In recognising 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. The proposed biodiversity enhancements, as

sought by Paragraph 170d of the NPPF should be secured as a condition of any consent. It is therefore concluded that the proposal accords with the above policies.

I Archaeology (ENV4)

10.14 Suitable archaeological investigation was carried out in connection with conditions 6 and 7 of planning permission UTT/15/1424/OP. It is therefore concluded that the proposal accords with the above policies insofar as they relate to archaeology.

J Affordable housing (H9)

10.15 Local Plan Policy H9 seeks an element of affordable housing on a site by site basis. This has been effectively superseded by paragraph 63 of the NPPF which states that the provision of affordable housing should not be sought for residential developments which are not major developments. The proposal qualifies as a small scale (minor) development of 10-units or less and there are no other material circumstances that indicate that it would be justifiable to seek a contribution for affordable housing.

K Housing mix (H10, SHMA)

10.16 Policy H10 requires that small market housing comprises a significant proportion of the total number of units, while the SHMA confirms that the greatest need is for three-bedroom plus properties. While 'significant proportion' is not defined in the policy, the SHMA indicates that the need for three-bedroom properties is approximately 44% of the total. In the analysis of the previous application, ref. UTT/19/0436/FUL, it was considered that at least one of the three dwellings should have no more than three bedrooms to comply with the policy. This has now been achieved with the dwelling on Plot 1. A condition removing permitted development rights for extensions and roof alterations is nevertheless recommended to enable the Council to have control over future development in order to maintain the integrity of the housing mix.

11. CONCLUSION

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

- A The planning consents UTT/15/1424/OP and UTT/16/0328/DFO, although lapsed, have accepted that the site would be suitable for the erection of three large detached dwellings.
- B The dwellings on Plots 2 and 3 are identical to that previously approved.
- C The provision of a dwelling with three bedrooms on Plot 1 ensures that the development reasonably complies with Policy H10 – Housing Mix, the sole reason for the refusal of application ref. UTT/19/0436/FUL.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 year 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. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

3. The external finishing materials shall be as specified on the submitted plans and application form. Where alternative materials be sought the details of such materials shall be submitted and approved in writing by the Local Planning Authority prior to any works commencing on site. The works approved shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to secure a high quality of design and appearance in accordance with Policy GEN2.

4. All of the dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace.

5. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Greenwillows Associates Ltd., November 2014) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

6. Prior to occupation of the development the shared vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be not

less than 5m, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate vehicular crossing of the highway verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

7. 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).

8. The first floor bedroom en-suite/dressing room windows shown for the south-west elevation of the dwelling approved for Plot 1 on approved plans Drwg No.5 shall be obscure glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall thereafter be retained in those windows.

REASON: To avoid overlooking of adjacent residential properties in the interests of residential amenity in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

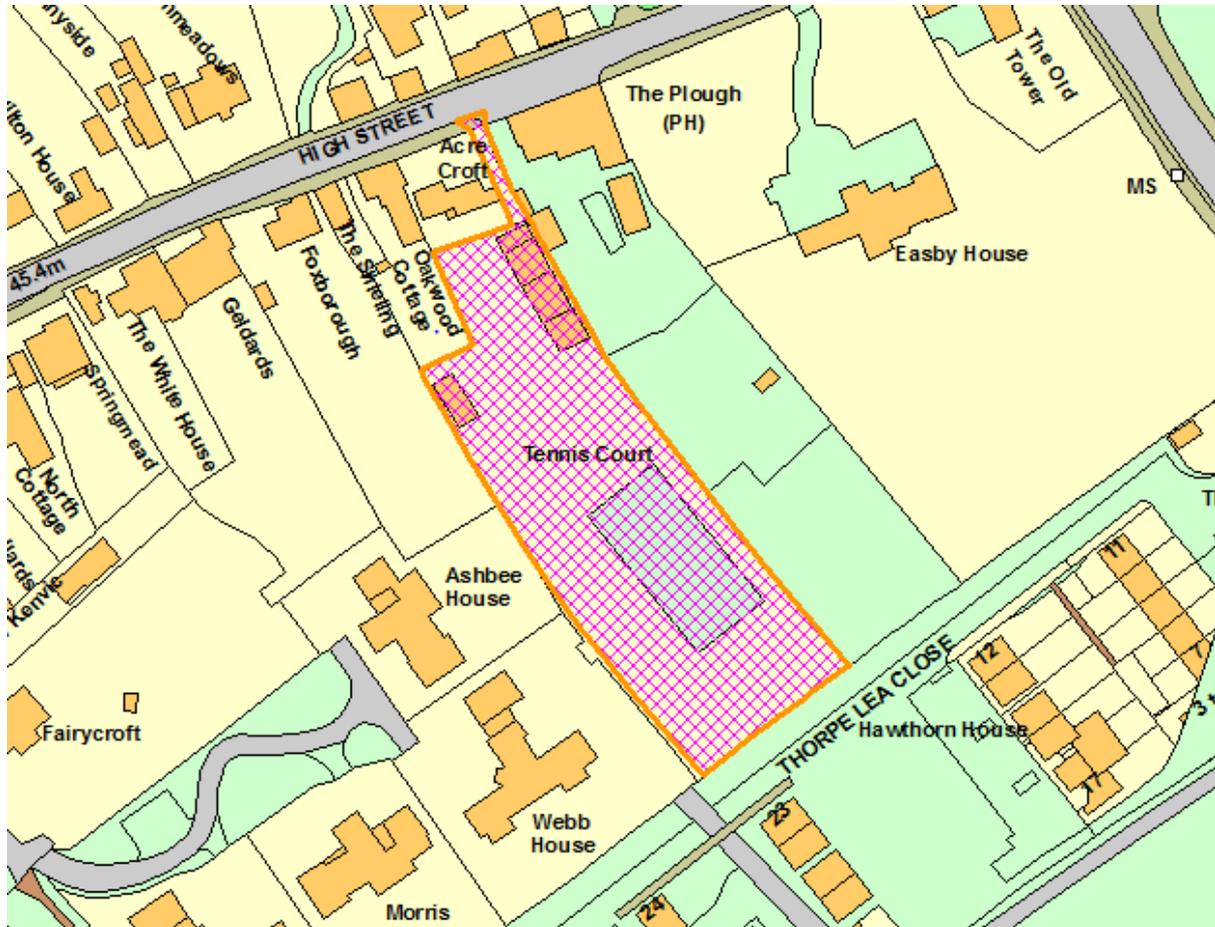
9. No trench foundations for the garage shall be used within the root protection of the Ash Tree (T3) as detailed within the Arboricultural Assessment.

REASON: In the interests of protecting the root system to ensure the longevity of the tree in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

10. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions and/or roof alterations shall be erected on any elevations of the dwellings hereby permitted

REASON: In the interests of protecting the character and amenities of the locality, including the provision of a mix of housing sizes, in accordance with Policies GEN2 and H10 of the Uttlesford Local Plan (adopted 2005).

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Organisation: Uttlesford District Council

Department: Planning

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