

UTT/19/1054/OP
(Applicant Relative of UDC Staff Member)

Deferred for site visit

PROPOSAL: Outline application with all matters reserved except access for the erection of 2 no. detached dwellings and relates infrastructure.

LOCATION: Land North Of Henham Road, Debden

APPLICANT: Ms Barbara Bonham

AGENT: Springfields Planning and Development

EXPIRY DATE: 8th November 2019

CASE OFFICER: Chris Tyler

1. NOTATION

1.1 Outside Development Limits,

2. DESCRIPTION OF SITE

2.1 The application site relates to a plot of land to then north of Henham Road in Debden Green. To the south and east of the site are a number of dwellings, to the north of the site is open agricultural land.

3. PROPOSAL

3.1 This application seeks outline planning permission with all matters reserved except access for the erection or two detached dwellings and associate infrastructure.

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.

And

Human Rights Act considerations:

There may be implications under Article 1 and Article 8 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application

5. APPLICANT'S CASE

5.1 The applicant has provided a planning statement in support of the planning application to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way. The proposal includes self-build dwellings, however the development will assessed against the appropriate planning

policies as set out in paragraph 7.3 of the report.

Also submitted with the application is a completed biodiversity checklist.

6. RELEVANT SITE HISTORY

- 6.1 There are no planning applications linked to this proposal.

7. POLICIES

7.1 National Policies

National Planning Policy Framework (2019)

7.2 Uttlesford Local Plan (2005)

Policy S7 –The Countryside
Policy GEN2 – Design
Policy GEN1- Access
Policy GEN7 - Nature Conservation
Policy H9- Affordable Housing

7.3 Supplementary Planning Documents/Guidance

N/A

8. PARISH COUNCIL COMMENTS

- 8.1 A section 106 agreement should be placed on the paddock restricting further development (the owner attended a Parish Council meeting and confirmed that she would be happy with this, if it is legally possible. She would not like to see other houses built on the paddock).

The Parish Council raised a concern on the quality and time to build self-build projects (the second plot being sold for a self-build development) as evidenced on the site 200 yards down the lane in Debden Green.

The proposal will add extra traffic.

There is a fear of sporadic development at Debden Green without any planning oversight by UDC post planning permission gained by developers.

9.0 CONSULTATIONS

The Highways Authority

- 9.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following measures:

1. Prior to occupation of the development the visibility splays, as shown on DWG no. DR1 (dated 31/07/2019), shall be provided and retained free of any obstruction in perpetuity. Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.
2. Prior to the occupation of any of the proposed dwellings, the proposed private

drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate vehicular crossing of the verge. Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

3. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

ECC Ecology

- 9.2 No objections made or further recommendations made

National Grid

- 9.3 No Objections

10 REPRESENTATIONS

- 10.1 3 Objections received, comments include:
- Loss of green space
 - Many houses within the area have been significantly extended
 - Impact to highway safety
 - Loss of paddock land
 - The proposal will change the character of the village
 - The proposal will result in a precedent for future development
 - The application should include a Section 106 legal agreement to restrict further development

All material planning consideration will be made in the following report, Planning precedent is not a material consideration, The use of a Section 106 agreement to restrict further development of the site will not be appropriate, further development of the site would be assessed through the submission of a planning application.

11 APPRAISAL

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

- A The principle of the development of this site, design (ULP Policies S7,GEN2, NPPF, SPD Accessible Homes and Playspace);
 - B Access to the site (ULP Policy GEN1);
 - C Nature Conservation (ULP Policy GEN7)
 - D Affordable Housing (ULP Policy H9)
 - E Any other material considerations
- A The principle of the development of this site, design (ULP Policies S7,GEN2, NPPF, SPD Accessible Homes and Playspace);**

- 11.1 The site is outside of the development limits (ULP Policy S7). ULP Policy S7 states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to the rural area, with development only being 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.
- 11.2 Although it could be argued the proposal by virtue would fail to comply with Local Plan Policy S7, it is also recognised that the NPPF sets out applicable national planning policy in relation to sustainable development and housing in rural areas. It has also been found that Local Plan Policy S7 is only partly consistent with the NPPF, due to its protective approach, the following paragraph sets out the assessment of the principle of the development in regards to the NPPF.
- 11.3 The site is with Debden Green and to and although outside of the development limits I do not consider the site to be isolated, this is supported by recent case law Braintree DC v SSCLG [2018] EWCA Civ. 610 which considers the definition of an isolated dwelling, and gives further clarification to its definition. That being said the proposal should also accord with the sustainable elements of the NPPF as set out in the following paragraphs.
- 11.4 As identified in the most recent housing trajectory document (Oct 2019) demonstrate 2.68 years housing supply. In terms of housing delivery, nationally available figures indicate that delivery was 147% over the past 3 years, the Council is therefore unable to demonstrate a deliverable 5 year supply of housing land. For the present time, the Council is therefore unable to demonstrate a deliverable 5 year supply of housing land.
- 11.5 Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes where five year housing supply cannot be delivered). This means that applications for sustainable development outside development limits may need to continue to be granted where appropriate to ensure the level of housing supply is robust and provides a continuous delivery of housing. Moreover the proposal should be considered against the three strands of sustainable development including; economic, social and environmental.
- 11.6 Economic:
The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. The development will deliver a small economic role by the creation of a small amount of employment during the construction phase and the occupiers of the house would contribute to the local economy in the long term, as such there would be some, but limited, positive economic benefit.
- 11.7 Social
The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. In terms of the proposed development and in relation to the social aspect of sustainable development, the site is within walking/cycling distance to other parts of Debden Green. There are also bus stops within walking distance at Bolford street serve by a regular bus

service to enable travel to neighbouring villages and towns. The proposal would make a small contribution towards the delivery of the housing. Due to the location of the application site it is considered not to be socially isolated and that the proposed development would be able to perform a social role and meet the social strand of sustainability. This is consistent with other recently approved development within Debden Green and close to this location.

11.8 Environmental:

Paragraph 170 (b) of the NPPF advises planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, as such the following paragraphs make due consideration to this.

- 11.9 The application site is included in the cluster of dwellings at the junction of Henham Road, this character is considered to significantly contribute to the rural appearance of the area and its surroundings. As such it is considered the introduction of two dwelling at this point would form part of the cluster of dwellings and built form found at this part of Debden Green. The dwellings would sit adjacent the property of Barnards Cottage and although would include some built form into the countryside this would be marginal and will not result in significant encroachment or impact to the open rural character of the site or land beyond the application site.
- 11.10 From the rear of the neighbouring property (Bannock) to the west of the application site and the neighbouring property to the east of the site (The Firs) the north of the highways has an open rural appearance for approximately 0.25miles. However the introduction of the dwellings will be tacked onto the small cluster of dwellings and the open rural appearance to the north of Henham Road will remain. Furthermore, to the east of the application planning permission has been recently approved for two dwellings (UTT/19/1626/FUL), the siting of the approved application and this currently application clearly demonstrates the development will not infill this open plot/ area to the north of Henham Road.
- 11.11 Therefore this residential development and introduction of dwellings on the site, will not result in a harmful intensification of use or detrimentally erode the open and rural character of the surrounding countryside. The proposal will include an access drive from the existing highway access. Although this will be sited to the north Henham Road the driveway will set behind the current highway vegetation, as such the access and drive will have minimal impact to the character of the site and street scene.
- 11.12 The scale, design, appearance and landscaping of the dwelling are reserved matters and as such an assessment cannot be made in this outline application. That being said if this outline application is approved due consideration should be made to ensure the reserved matter details are compatible with the character and setting of the site.
- 11.13 For the detailed and specific reasons set out above, the development proposed and in the context paragraph 7 of the Framework is sustainable in regards to the social, economic and environmental objectives. Due to the lack of a 5 year housing supply due weight should be given in the determination of the development, advised in paragraph 11 of the NPPF. Although the introduction of two dwellings is not a significant contribution to a 5 year housing supply the harm to the site and its surrounding is not considered harmful and therefore concluded to be a positive contribution.

11.14 As such from the above assessment it can therefore be concluded that the principle of the development is will not be harmful to the character of this part of the open rural countryside therefore not contrary to paragraph 170 of the NPPF and Policies S7 and GEN2 of the adopted Local Plan (2005).

B Access to the site (ULP Policy GEN1);

11.15 The proposal will be served by the existing access to the site, the Highways Authority have been consulted no objections or further recommendations have been. As such it is considered the development accords with ULP Policy GEN1.

C Nature Conservation (ULP Policy GEN7)

11.16 ULP Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

The application includes a completed biodiversity checklist, this has been checked during the case officer's site visit. The checklist does not give rise to the requirement of further ecology surveys or reports.

Essex county Council Ecology has been consulted no objections or further recommendations have been made have been made. It is therefore unlikely the proposed development will have harmful impact to adverse impact on protected species caused and therefore complies with Policy GEN7

D Affordable Housing (ULP Policy H9)

11.17 The proposal would not give rise to a requirement for a contribution towards affordable housing provision as set out under local plan policy H9, furthermore due to recent changes to the National Planning Practice Guidance (NPPG) affordable housing contributions will no longer be imposed on development schemes of 10 or less dwellings, unless the floor-space of the proposed development is 1000sqm or more.

E Any other material considerations

11.18 Any other material considerations

The following policies are included in the emerging Local Plan submission and therefore have been considered in the assessment of the application; these policies hold some limited weight.

D1- High Quality Design
SP10 Protection of the countryside
TA1- Accessible Development
EN8- Protecting the natural environment

12. CONCLUSION

12.1 The application for outline planning permission with all matters reserved accept access accords with the development plan, NPPF. It is therefore recommended that permission be granted.

RECOMMENDATION- APPROVE SUBJECT TO CONDITIONS

Conditions

1. Approval of the details of appearance, layout, landscaping and scale (hereafter called "the Reserved Matters") must be obtained from the local planning authority in writing before development commences and the development must be carried out as approved.

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 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.

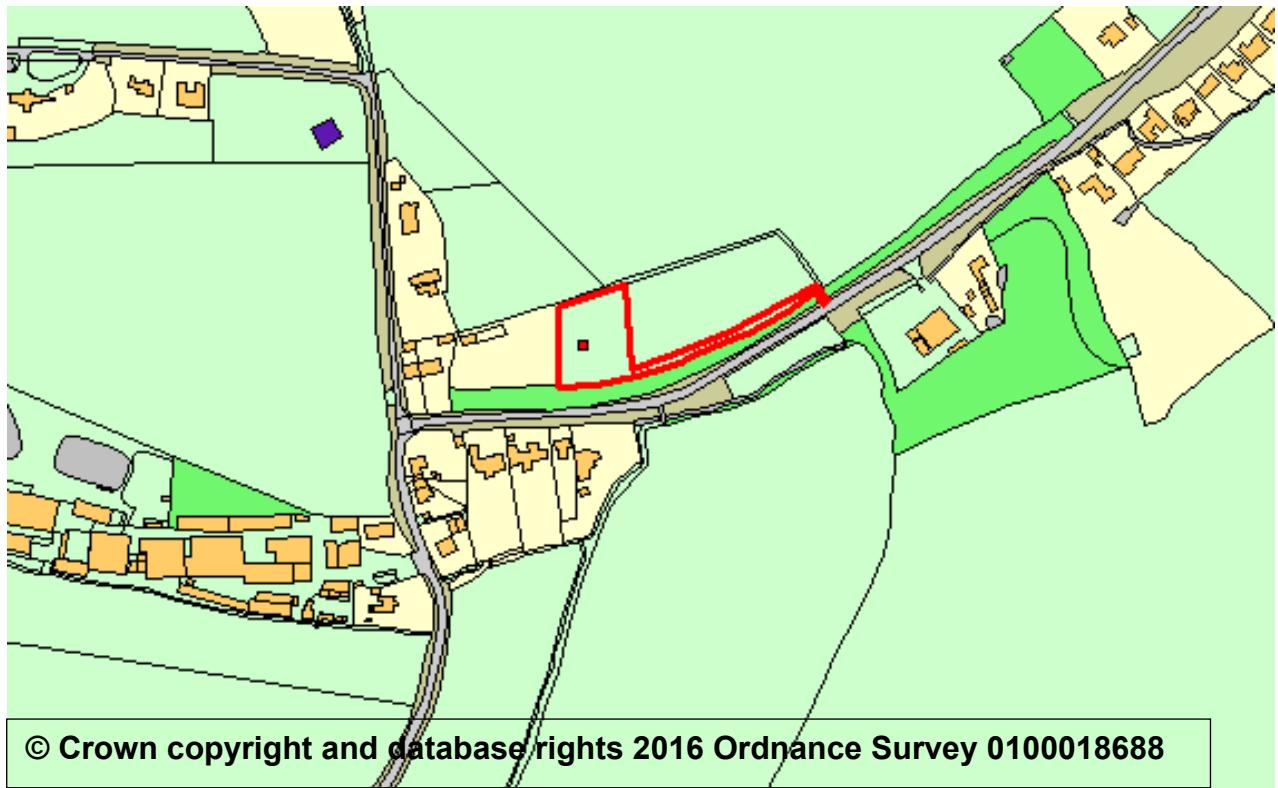
- 5 Prior to occupation of the development the visibility splays, as shown on DWG no. DR1 (dated 31/07/2019), shall be provided and retained free of any obstruction in perpetuity.

REASON To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety and in accordance with ULP Policy GEN1.

- 6 Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate vehicular crossing of the verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the

highway, in the interests of highway safety and in accordance with ULP Policy GEN1.



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Organisation: Uttlesford District Council

Department: Planning

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