

UTT/19/3113/OP
(Applicant Relative of UDC Staff Member)

PROPOSAL: Outline application with all matters reserved except access for the erection of 1 no. detached dwelling with related infrastructure.

LOCATION: Land North Of Henham Road, Debden Green

APPLICANT: Ms Barbara Bonham

AGENT: Springfields Planning and Development

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 the 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 Outline application with all matters reserved except access for the erection of 1 no. detached dwelling with related 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 a self-build project, however the development will be assessed against the appropriate planning policies as set out in the committee report.

Also submitted with the application is a completed biodiversity checklist.

6. RELEVANT SITE HISTORY

- 6.1 UTT/19/1054/OP- Outline application with all matters reserved except access for the erection of 2 no. detached dwellings with related infrastructure.

REFUSED- The proposed development in the form of two dwellings will result in the introduction of significant built form to the site and as such will result in a significant harm to the open characteristics of the rural countryside setting and the character of the site. The proposal is therefore contrary to ULP Policies S7, GEN2 and the aims of the NPPF.

APPEAL DISMISSED

7. POLICIES

- 7.1 National Policies

- 7.2 National Planning Policy Framework (2019)

7.3 Uttlesford Local Plan (2005)

Policy S7 –The Countryside

Policy GEN2 – Design

Policy GEN1- Access

Policy GEN7 - Nature Conservation

Policy ENV3- Open Spaces and Trees

Policy H9- Affordable Housing

7.4 Supplementary Planning Documents/Guidance

Uttlesford Local Residential Parking Standards (2013)

Supplementary Planning Document- Accessible homes and play space homes

Essex Design Guide

8. PARISH COUNCIL COMMENTS

- 8.1 Debden Parish Council would like to submit the following comments on the above application.

- Insufficient visibility splays based on the average speed in accordance with the Essex Highways guidelines.
- To satisfy the visibility splay, a significant amount of thicket would need to be removed.
- Insufficient access across Essex Highways land by established vegetation.
- The distance to the bus stop, quoted in the application, is incorrect and there is no pavement.
- 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, 'Proposed access arrangement and available required visibility', (dated 10/12/2019), 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 occupation of the development the 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 not be less than 3 metres, shall be retained at that width for 6 metres 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.

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 or further recommendations made

10 RERESENTATIONS

10.1 4 objections received, comments include:
Loss of agricultural land
Harmful impact to the character of the site
Impact to highway safety,
The required visibility splay will require removal of highway verge vegetation.
The visibility splays will need to be maintained,
There have already been a large number of houses built in Debden Green,
Many bungalows have been converted to dwellings,

10.2 All material planning consideration will be made in the following report.

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, ENV3, 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 Planning Balance

A The principle of the development of this site, design (ULP Policies S7, GEN2, NPPF, SPD Accessible Homes and Playspace);

- 11.1 There is a presumption in favour of sustainable development in the NPPF. Sustainable development is defined as being based on three dimensions – economic, social and environmental. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. 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.
- 11.2 The site is outside of the development limits (ULP Policy S7). Whilst Policy S7 is restrictive of development in the countryside the most recent iteration of the NPPF does take a somewhat less protectionist attitude to development in the countryside. The NPPF stresses that any adverse impacts of development must 'significantly and demonstrably outweigh the benefits' for the development to be refused
- 11.3 The site is located in Debden Green, however outside development limits. Although outside of the development limits of the village the location of the site is not considered to be isolated and is consistent with a number also 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. The application is approximately 500m from the bus stop at Bolford Street which offers regular services between Saffron Walden and Stansted Airport. This would provide easy access to reach nearby community services in Debden and Thaxted.
- 11.4 The Parish Council has raised some concerns regarding the sites accessibility to services and the fact that occupiers of the site would most likely use a car as their main means of travel. Whilst the latter may indeed be true the NPPF acknowledges that 'opportunities to maximise sustainable transport solutions will vary between urban and rural areas'. Car usage in rural areas will as a matter of course be more extensive. As it is it is considered that services are sufficiently accessible in a sustainable manner via a number of nearby bus routes and that National Rail services are relatively nearby via a short car journey.
- 11.5 The application site has been recently subject to refusal of planning permission for two dwellings, this was dismissed at appeal UTT/19/1054/OP. The inspector considered the development would:
- Alter the rural appearance of the site
 - Encroach the countryside setting,
 - The long access track would be out of place
 - The layout is contrived and out and not in accordance with the pattern of development,
 - The development would lead to an intrusion into the countryside, failing to recognise the intrinsic rural character of the countryside.

This application revises the previous refusal and now includes a single dwelling, also the scale of the application site has been reduced and access now is to the front of the site.

- 11.6 This application solely considers the principle of development as the size and appearance of the dwellings are a reserved matter for consideration at another time. The submitted layout plan is indicative to demonstrate how the scheme could be designed. The reduction to a single dwelling and access to the front of the site is considered to be in character with the cluster of dwellings to the east and south of the application site. The dwelling would sit adjacent the property of Barnards Cottage and although would include some built form into the countryside this will now be more contained within the site and will not result in significant encroachment or impact to the open rural character of the site or land beyond the application site.
- 11.7 The development will extend the presence of built form along the northern side of the highway. The Parish Council has objected to the development on this basis. However, the site is a defined area bordered by trees and hedges which then gives way to extensive open agricultural land. The extension of the built form onto this land is considered to be a coherent form of ribbon development and the small cluster of dwellings to the east and south. The proposed scheme would also be relatively well shielded from public view due to trees and shrubbery and landscaping around the site. Given this, on balance, the development is not considered to detrimentally affect the character of the surrounding countryside in a significant way.
- 11.8 The proposed access and require visibility splays will require the removal of some of the highway verge vegetation. The majority of the vegetation to remove is scrub and brambles. The verge will be maintained and will have will be visually improved and consistent with the adjacent verge to the front and east of Barnards Cottage, the Council's Landscape Officer has been consulted in regards to this and does not have any objections or further recommendations in regards to the removal of the verge vegetation.
- 11.9 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.
- 11.10 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 and has resolved the previous planning refusal and dismissed planning appeal. The development is in accordance with paragraph 170 of the NPPF and Policies S7, ENV3 and GEN2 of the adopted Local Plan (2005).

B Access to the site (ULP Policy GEN1);

- 11.11 The proposed dwelling will be served by a new access have been made subject to the imposition of conditions. The single dwelling is considered not to result in any significant level of intensification that will be harmful to highway safety. The Highways Authority have been consulted, not objections have been made subject to the imposition of conditions. As such it is considered the development will not have any harmful impact in regards to highway safety and accords with ULP Policy GEN1.

C Nature Conservation (ULP Policy GEN7)

- 11.12 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. The Essex County Council Ecologist has been consulted no objections or further recommendations 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)

- 11.13 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 Planning Balance

- 11.14 In regards to the assessment of this application, the NPPF is a materials planning consideration, 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). As identified in the most recent housing trajectory document (Oct 2019) demonstrates 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 unable to demonstrate a deliverable 5 year supply of housing land and therefore a tilted balance approach should be applied in the assessment of the application and whether the positives outcomes of the development will outweigh the harms.
- 11.15 The development will contribute to a small amount economic benefits, this includes; The creation of a small amount of employment during the construction phase and supporting in a village nearby, as supported by paragraph 78 of the NPPF.
- 11.16 Although the proposal will result in the loss of part of the open plot of land it is not considered this will have a harmful impact to the character of the site and its surroundings. Also, proposed dwelling will also have limited positive contribution to housing supply of which the Council cannot demonstrate a 5 year housing supply. Overall it is considered the benefits of the scheme outweigh the any limit harm that may occur from the scheme.

12. CONCLUSION

- 12.1 The location of the development is considered appropriate within the ribbon development of Debden Green and within close to the larger village settlement of Debden.
- 12.2 The revised proposal, reduction to a single dwelling and location of access is considered to resolve the previous refusal reasons and dismissed appeal.

- 12.3 The proposal will not have any adverse impacts upon highway safety or ecology/ biodiversity.
- 12.4 The application for outline planning permission with all matters reserved accept access accords with the development plan, and NPPF. It is therefore recommended that permission be granted subject to conditions.

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 dwelling 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.

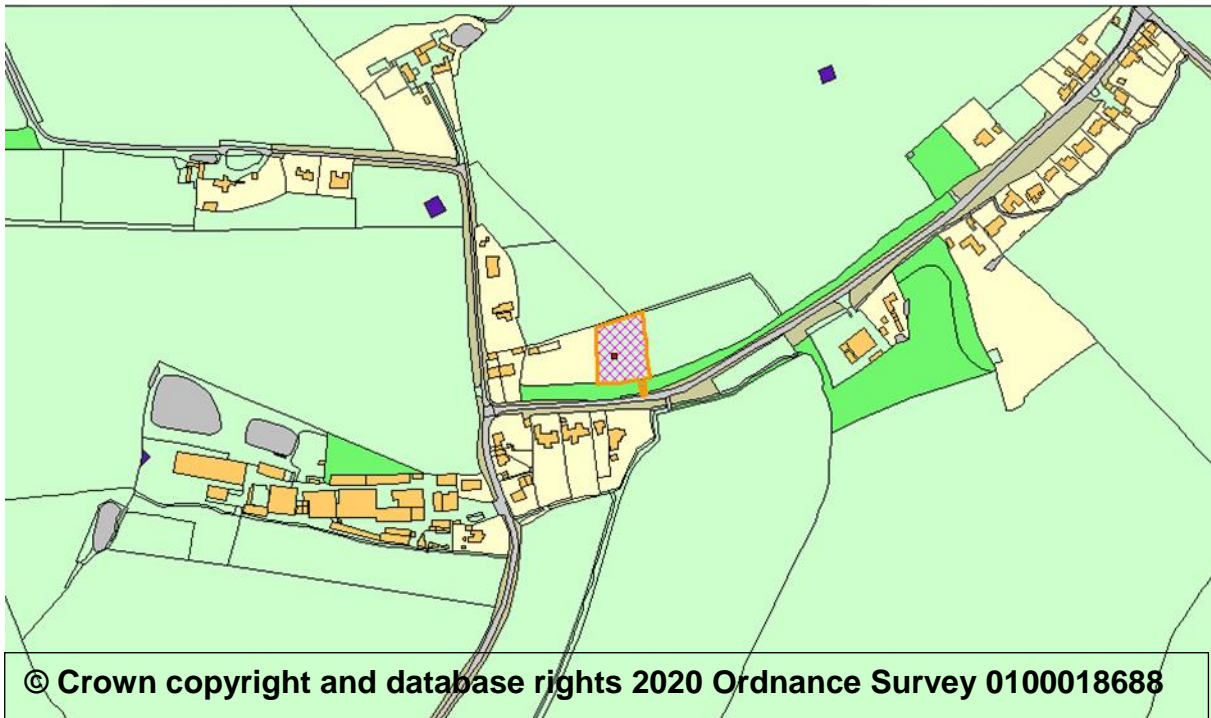
REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance

- 5 Prior to occupation of the development the visibility splays, as shown on DWG no. DR1, 'Proposed access arrangement and available required visibility', (dated 10/12/2019), 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 occupation of the development the 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 not be less than 3 metres, shall be retained at that width for 6 metres 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 and in accordance with ULP Policy GEN1.



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Organisation: Uttlesford District Council

Department: Planning

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