

UTT/17/2624/FUL – (THAXTED)

(MINOR)

PROPOSAL: Construction of 8 no. three bedroom properties, gardens, cycle/bin storage, on-plot parking and landscaping

LOCATION: Land to the rear of Little Maypole, Thaxted, Essex

APPLICANT: Mark Wellings

AGENT: Ashley Wynn, Greenhayes Planning

EXPIRY DATE: 6 November 2017

CASE OFFICER: Peter McEvoy

1. NOTATION

- 1.1 The following planning constraints apply to the application site:
- outside development limits;
 - within 2km of a SSSI consultation area;
 - general aerodrome directions, including a 16h LEQ (equivalent continuous sound level) weighting of 57dB.

2. DESCRIPTION OF SITE

- 2.1 Thaxted is an historic small market town that lies approximately 12km (7.5 miles) to the south east of Saffron Walden. Notable architectural buildings include the Guildhall (Grade I listed), the Church of St John the Baptist (Grade I listed) and John Webb's Windmill (Grade II*), with the latter two structures visually dominating the surrounding countryside.
- 2.2 The application site is situated on the northern boundary of the town and immediately to the west of the recent housing development of Little Maypole. The site may be thought of as a right trapezium in shape, measuring 42m by 76m and giving an area of 0.32ha (these figures are approximate). Entry to the site is via the existing Little Maypole development's access road.
- 2.3 The site's topology slopes gently downwards from east to west before falling more steeply towards the river valley. There is open farmland beyond to the north and west with the 1980s housing estate of Clare Court to the south and the 1990s residential development of Little Maypole to the east. The site therefore squares off these two estates. Houses in Rochelle Close and Maypole have a design and layout that was typical of the 1960-70s period with more traditional and older dwellings along the eastern side of Newbiggen Road.
- 2.4 Part of application site to the north is within an area included in a landscape character assessment which has been written to support the emerging Thaxted Neighbourhood Plan.
- 2.4 The site is currently an open and rather overgrown grass field, which together with evidence of fly-tipping, contributes to a poor amenity overall which is in contrast to the ploughed arable fields beyond.

3. PROPOSAL

- 3.1 The applicant company is requesting planning permission for the construction of eight new three bedroom residential properties, with parking, landscaping and cycle and bin storage.
- 3.2 The dwellings would be arranged in a linear form running from north to south and follow the general orientation of the Little Maypole estate. The development would consist of three discrete blocks: a three unit terrace, a pair of semi-detached properties and a further three unit terrace. The separation gap between each block would be around 4.3m. Each dwelling would have the same internal layout, although some would be a mirror image of others. There would be two parking bays per property laid out to the front of each house. Four additional parking bays for visitors with a bin storage area would be located close to the existing gate.
- 3.2 All measurements may be scaled from the submitted plans.
- 3.3 Each dwelling would be offered as open market housing; no affordable housing or contribution is proposed as part of this scheme.

4. APPLICANT'S CASE

- 4.1 The applicant's scheme is partly based on the LPA's general advice given in pre-application meetings between the parties.
- 4.2 The applicant has submitted the following documents in support of the proposal:
- Ecological Appraisal;
 - Biodiversity Checklist;
 - Design and Access Statement;
 - Acoustic Feasibility Study;
 - Surface Water Drainage Strategy;
 - Transport Assessment;
 - Contextual Soft Landscape Mitigation Measures;
 - Sustainable Construction Checklist.

5. RELEVANT SITE HISTORY

- 5.1 (1) DUN/0647/69 – site for residential development (refused).
- (2) UTT/0302/09/FUL – proposed erection of a short breaks centre for up to eight residents (approved with conditions on 5 May 2009). This proposal is referred to as the Rescue development in this report.
- (3) UTT/16/3255/FUL – residential development for the construction of 9 dwellings with associated parking and landscaping (refused on 11 May 2017, and currently subject to appeal).

5.2 Comments on planning history:

UTT/0647/69 – this application was submitted forty eight years ago and any policy considerations would now be out of date.

UTT/0302/09/FUL – the Rescue respite centre was never built, but there is a shallow ditch with a short section of concrete footings on the site, which may or may not have been constructed to implement the permission.

UTT/16/3255/FUL – the officer’s committee report recommended approval for the scheme for the following reasons:

- the development would be sustainable in accordance with the NPPF;
- the benefits in supplying much needed housing would outweigh the limited harm it would have upon the open countryside;
- size, scale and siting of the proposed development would reflect the character of the surrounding locality and the street scene;
- there would not be substantial harm on the setting of the surrounding heritage assets.
- the proposed development would not compromise highway safety or create unwanted traffic congestion;
- there was no requirement to provide on-site affordable housing and the mix of dwelling units was appropriate;
- subject to mitigation measures, there would not be significant harm to the ecology and biodiversity of the surrounding area;
- there would be increase in flood risk on the site or elsewhere subject to appropriate mitigation measures;
- the development could be accommodated without significant adverse impacts upon the amenities of existing and future residents.

Notwithstanding the officer’s recommendation, the committee refused the application for the following reasons:

- the dwellings’ inappropriate size and scale and excessive height, would result in a development being detrimental to the character and appearance of the surrounding area and the street scene.
- the proposed dwellings’ scale and close proximity to the nearby properties at Clare Court would result in an intrusive and unneighbourly development which would cause an overbearing and harmful impact to the amenities of the adjoining property occupiers.

6. POLICIES:

6.1 National Policies:

- National Planning Policy Framework

6.2 Uttlesford Local Plan (2005)

- Policy S7 – The Countryside
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN3 – Flood Protection
- Policy GEN7 – Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- Policy ENV2 – Development effecting listed buildings
- Policy ENV8 – Other Landscape Elements of Importance for Nature Conversation
- Policy H9 – Affordable Housing
- Policy H10 – Housing Mix

6.3 Other documents

- SPD Parking Standards Design & Good Practice September 2009.
- SPD Essex Design Guide.
- Thaxted Neighbourhood Plan, including the Thaxted Landscape Character Assessment (not yet adopted).
- Thaxted Design Guide.

7. PARISH COUNCIL COMMENTS

7.1 Thaxted Parish Council objects to the proposal and reiterates their previous objections (reproduced below for the Committee's convenience):

- The site sits outside of the development limits of the village as defined in the 2005 Adopted Local Plan, contrary to Policy S7 relating to development in the countryside.
- The applicants claim that a material start on site was made in that a foundation trench was dug. The position of this trench however appears to be out of line with the consented drawings and as such would imply there was never any intention to implement the scheme as proposed. Considered on that basis the land can only be regarded as open countryside with a lapsed consent for development that was granted based on an 'exception', is not viable. The proposed use is private residential and cannot therefore be regarded as 'exceptional' in the context of countryside protection policies.
- The outline shown on the historic respite centre application ref UTT/14/1033/OP confirms that approximately a third of the site covered by the current application has no previous status, even if a material start had been made on the respite centre scheme. We would therefore reject on the basis of layout and density of buildings.
- The effect on the character and appearance of the surrounding area such as Bellrope Meadow which was so heavily criticised in the LUC document commissioned by English Heritage in 2013/14 entitled 'Evaluating the Impact of Housing Development on the Historic Environment'.
- Of equal concern, though is that the units proposed are three storeys in height. This is justified on the basis that the land slopes to the west away from the existing Little Maypole housing. The design in terms of height and elevational treatment is out of context with the Thaxted character. Viewed from the critical position on the footpath to the north. Similarly, boundary treatment along the northern perimeter is described as 'post and rail with low level hedging'. The impact on the important Chelmer Valley landscape would be unacceptable and views from the footpath seriously compromised.
- Liz Lakes have produced a landscape character assessment Lake Associates have now published their findings. The subject site falls into parcel LPLCA 16. Each parcel is assessed in terms of its capacity to accommodate development having regard to impact on the landscape.
- Parcel LPLCA 16 is assessed as having a 'low' capacity to accept development. 'Low' indicates the most sensitive areas of landscape and the site is therefore considered unsuited to development.
- The previous planning permission for the respite centre has lapsed and is of no consequence anyway since the use was wholly different.
- The previous consent related in any case, to only a part of the site shown on the current application.

The Parish Council's additional comments are:

- The Parish Council has pointed out that the Rescu development (UTT/0302/09/FUL) only covered (in red line terms) two thirds of the site now being considered, and the status of the remaining third is agricultural land beyond the development limits of the village, without a planning history.
- The Parish Council has previously mentioned that any development needs to be effectively screened and would require the planting of a comprehensive landscaping belt incorporating mature trees. The application only makes provisions for small shrubs which offer no shielding or protection to the community surrounding the development, and will not therefore protect the views from the Chelmer valley.
- The Parish Council would also like to make reference to the fact that the Rescu centre falls within the remit of a Rural Exception Scheme, thus meaning that under normal planning and development circumstances, no other development would have ever been permitted within the boundaries of this field. The Rural Exception to this site was permitted to include a small selection of low cost social homes and Rescue centre providing much needed respite for service users and their families. Specific terms of usage are details under Conditions C.6.1 & C.90.A, reference to the application UTT/0302/09/FUL.

8. CONSULTATIONS

Local Highways Authority (Essex County Council)

8.1 No objection, subject to conditions.

ECC Place Services (ecology)

8.2 No objection, subject to conditions.

NATS Safeguarding

8.3 No objection as the proposal would not conflict with their safeguarding criteria.

London Stansted Airport

8.4 No objection as the proposal does not conflict with their safeguarding criteria.

Uttlesford District Council's conservation officer

8.5 No objection as the proposed scheme would not cause adverse harm to any Listed Buildings, Conservation Area or Scheduled Ancient Monument.

UDC Landscape officer

8.6 The Council's landscape officer repeats his earlier comments. The proposed development would be visually detrimental on the qualities of the site and surrounding area. The proposed housing would have visual prominence in views taken from the public footpath running between Watling Lane and Walden Road (FP 49-97). The development would also be visible in the approach to Thaxted from the north along the Walden Road, presenting a broader built edge. The existing Little Maypole housing has an unsettling prominence in the landscape in views taken from

Walden Road and the footpath (FP 49-97) and the proposed new housing would further compound this. Maintaining the open rural character of this part of the River Chelmer valley is considered to be of particular importance in retaining the sensitive relationship between the village and its rural setting.

Environmental Health

- 8.7 The site is located in an area which will be subject to noticeable aircraft noise. Published noise contours indicate the site will be subject to 48-51 dB LAeq at night.

The findings and conclusions of the Acoustic Feasibility Study Report 15026.AFS.01 dated 9th November 2016 prepared by KP Acoustics are accepted. An environmental noise survey is required to identify the risks to the future users of the property and where necessary measures to ensure that the property is suitable for habitable use.

- 8.8 The following organisations were consulted, but they had not responded at the time this report was prepared:

- Natural England;
- Essex Wildlife Trust;
- Affinity Water.

9. REPRESENTATIONS

- 9.1 The application was publicised by sending 276 letters to adjoining occupiers and the displaying of site notices. The LPA had received 199 letters of objection to the proposal at the time of writing this appraisal. The majority of responses were of a pro forma which stated:

- The site is particularly sensitive to the setting of Thaxted being on the northern entrance to the village overlooking the Chelmer Valley. The Northern third of the site is within a parcel identified in the recent Liz Lake study on the Landscape Character as particularly sensitive and least suited to development.
- The northern third of the site is outside the Thaxted development boundary and has no planning history, development would therefore be contrary to Policy S7 of the adopted Local Plan.
- As there was no material start to the build the respite centre (which is only part of the site) the whole of the site should be considered as greenfield and subject to Policy S7.
- The proposed use is private residential and cannot therefore be regard as 'exceptional' in the context of countryside protection policies.
- The proposal does not deliver what Thaxted's emerging Neighbourhood Plan has indented as being required in Thaxted (bungalows and affordable started homes).
- The building design is too modern, set against the backdrop of the Church and the rest of the conservation area.
- Despite amendments, the design in terms of height and elevational treatment is out of context with the Thaxted character.

- 9.2 Other comments were:

- Residential amenity (visual impact on the surrounding properties, too close to

the boundary of Clare court);

- Design (too modern, would look like beech huts, height and elevation treatment are out of context; design is of the lowest possible denominator; not appropriate to the town's historic core; contrary to NPPF paragraph 58; town house design not suitable for the outskirts of an historic town; houses should be of a low profile, such as bungalows);
- Impact on Thaxted (overdevelopment of town, these types of development are causing Thaxted to lose its identity as a medieval town, urbanises Thaxted; creation of satellite estates to the main town; once lost the special beauty of the town can never be regained);
- Wrong type of housing mix (no need for three bedroom properties should be two bedroom or bungalows; not the type of housing Thaxted wants or needs; should be affordable homes; should be bungalows for retired people who want to remain in Thaxted);
- Need to maintain the openness of the site;
- Loss/spoiling of views to the church and windmill;
- No need for additional dwellings;
- Contrary to the Thaxted neighbourhood plan;
- Public services and infrastructure already stretched;
- Harmful with no benefit to the community;
- Beyond development limits;
- Impact on the Chelmer valley, landscape and skyline (no regard to its rural character; it is a sacrosanct asset and the site is conspicuously prominent in relation to the valley; detrimental to the rural aspect and skyline of the town as seen from the north and west across the Chelmer valley; development would be on top of an incline and dominate the landscape);
- The *Gladman* appeal (next to a field that the Inspector described as unsuitable for housing; setting of the town in the landscape is being unreasonably dismissed);
- Create a precedent and would encourage speculative developments;
- Property prices;
- Loss of a view;
- Traffic generation;
- Already enough housing to meet five year supply;
- Does not fulfil the exceptional circumstances of 2009 approval;
- Adverse effect on the Harcamlow way and dominate view from the footpath towards the town;
- Enough development going on at the moment;
- Incorrect transport assessment, general errors in the plans and mock-ups.

- 9.3 On the basis of the above comments, the LPA contacted the applicant, via his agent, to suggest the following amendments to the proposal:
- A more traditional design, with a smaller footprint (especially relating to width) and steeper pitch, whilst still keeping the ridge height the same, may be more appropriate;
 - A more varied housing mix, such as including bungalows on the site;
 - The intrusion of the development into an area designated as not suitable due to the value of the landscape. The deletion of the northernmost dwelling may help.

The applicant indicated however that he would prefer to continue with the proposal in its current form.

10. APPRAISAL

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

- A The principle of development (NPPF, Local Plan Policy S7)
- B Compliance with the Thaxted Neighbourhood Plan
- C Visual landscape and compliance with the Thaxted Landscape Character Assessment (Local Plan Policies GEN2 and ENV8)
- D Design and neighbourhood amenity (NPPF, Essex Design Guide, Thaxted Design Guide, Local Plan Policy GEN2)
- E Residential Amenity (NPPF, Local Plan Policy GEN2)
- D Impact upon the setting of the heritage assets (NPPF, Local Plan Policy ENV1, and Listed Building and Conservation Area Act 1990)
- E Access to the site and highway issues (NPPF, Local Plan Policies GEN1 and GEN8)
- F Mix of Housing and Affordable Housing (Local Plan Policies H9, H10, and NPPF)
- G Biodiversity and Protection of Natural Environment (Local Plan Policies GEN7, GEN2, ENV7, ENV8 and NPPF)
- H Drainage and Flood Risk (NPPF, Local Plan Policy GEN3)

A The principle of development (NPPF, Local Plan Policy S7)

- 10.1 Some commentators have queried whether the site may be classed as brownfield (ie previously developed land) as a consequence of the possible implementation of the 2009 planning permission. A re-examination of the site from first principles is therefore necessary.
- 10.2 The Local Plan, which was adopted on 20 January 2005, identifies the site as being outside any settlement limits, that is, within the open countryside and so Local Plan Policy S7 applies to the proposal. This policy recognises the intrinsic value of the countryside by limiting development that either needs to take place in such locations or else would be appropriate for the area. There are some exceptions relating to limited infilling, but the LPA does not consider that the site constitutes an infill plot.
- 10.3 However policy S7 cannot solely be used in the determination of the application for the following reasons:
- a) following the adoption of the Local Plan, the Government published its overarching National Planning Policy Framework (NPPF) in March 2012, which obliged planning authorities to take a more flexible approach to sustainable development; and

- b) there are additional considerations where as is the case for Uttlesford District Council, a LPA cannot demonstrate a five years' supply of deliverable housing sites.

10.4 *(a) The introduction of NPPF:*

The LPA asked an independent consultant in July 2012 to check the compatibility of the Local Plan's policies against the Framework's new requirements. The report concluded that Policy S7 was only partially consistent with the Framework, as it was too restrictive to sustainable development in the countryside.

10.5 *(b) A five year supply of housing:*

Paragraphs 47-49 of the NPPF require the Council to identify at least five years' supply of housing land. In particular, paragraph 49 states, 'housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'. Policy S7 is a 'relevant housing policy' for the purposes of the NPPF

10.6 The Council's most recent housing projection was in August 2017 and it identified that the housing land supply for Uttlesford was between 3.77 and 4.2 years' worth, which is much less than the five year requirement. In such circumstances, the LPA must apply paragraph 14 of the Framework and grant planning permission if:

- the proposal simultaneously satisfies all three of the NPPF's criteria for sustainability development (that is economic, social and environmental); and
- any harm arising from the proposal's harm does not significantly and demonstrably outweigh any benefit created by the development. This is based on whether the proposal meets all other relevant planning policies.

10.7 *NPPF sustainability criteria:*

10.8 Economic role: a strong, responsive and competitive economy by ensuring, amongst other things, that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.

10.9 The application site is located just outside the town's settlement boundary, but it would still be close to the town's services and facilities. Any economic benefit created by the construction of the development would be limited and temporary in nature, but the new occupants would support Thaxted's general amenities. The LPA notes that there are limited employment opportunities in Thaxted.

10.10 Social role: supply the 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.

10.11 The proposal would create an eight dwelling development with a quality built environment. The site is around 0.5km from the town centre which means the town's amenities could be easily accessed by cycling, walking or other non-car means. Future occupiers would have the opportunity to take part in the town's thriving social and culture (as identified by several correspondents) and to support the town's mixed and well balanced community.

10.12 The proposal would provide new dwellings that comply with the accessibility requirements of Part M of the Building Regulations for less able occupiers.

- 10.13 Environmental Role: protect and enhance the natural, built and historic environment, including improvements to biodiversity and minimising waste and the impact on the environment.
- 10.14 The application site is a modest size plot of open land that would back onto existing residential development. Encroachment would be in a linear form. The LPA had previously allowed that some development was acceptable on the site (irrespective of whether this permission was implemented). Some harm would still arise from the development, but the applicant has proposed safeguards, which are outlined below, to mitigate against this harm. The dwelling units themselves would be energy efficient and contain features to ensure low carbon usage, as required by building regulations.
- 10.15 *Conclusion*:
The proposal must be assessed primarily against the NPPF, rather than just Policy S7. The current lack of a five year supply of housing means that a development must be approved if the proposal meets the three tests of sustainability and its benefits outweigh any harm. The proposal would satisfy the economic and social criteria and, on balance, the environmental role as well, although there would be some negative impact in this respect. Providing the proposal creates a net benefit in planning terms by complying with all other relevant policies, the principle of the development on the site is acceptable.

B Compliance with the Thaxted Neighbourhood Plan

- 10.16 The LPA has recently received the first draft of the Thaxted Neighbourhood Plan; however it has yet to be submitted to an independent examiner for assessment or subject to a referendum within the designated area. The Neighbourhood Plan may therefore be regarded as an emerging plan, but once it is made (ie adopted), it will have the same legal standing as development plan.
- 10.17 Paragraph 216 of the NPPF states that the weight given to policies in an emerging plan depends on a number of factors:
- the stage of preparation of the emerging plan;
 - its consistency to the Framework's policies; and
 - objections to relevant policies.
- 10.18 A planning application cannot be used to establish the compatibility of the neighbourhood plan and associated supporting documents with the NPPF, or whether there are any unresolved issues: these matters will be properly addressed during the consultation and examination stages. As the Plan is still in its early stages, and in accordance with the Framework's paragraph 216, the LPA notes the new policies, but considers they do not carry significant weight when deciding applications – for the moment.

C Landscape assessment (including compliance with the Thaxted Landscape Character Assessment)

- 10.19 Policy GEN2 seeks to ensure that development will be of an appropriate design and mitigates any potential harm. The NPPF requires decision makers to recognise 'the intrinsic character and beauty of the countryside and the impact of development on the countryside is a material consideration.

- 10.20 The applicant has supplied indicative long distance views of the development from various local points. Some concerns have been expressed that these mock-ups do not accurately reflect the development's impact on the countryside. For this reason, the site has been examined from various angles across the valley, the fields, Clare Court and Newbiggen Road, rather than relying of the submitted montages.
- 10.21 The proposal does contain some measures to mitigate the impact of the development upon the wider countryside, but it would still be visible from a number of public vantage points.
- 10.22 The Council's landscape officer has considered the proposal, but has not revised his views from the earlier scheme (his comments are reproduced in paragraph 8.6, above).
- 10.23 *Thaxted Landscape Character Assessment:*
In February 2016, Thaxted Parish Council commissioned Liz Lake Associates to undertake a Landscape Character Assessment of the area surrounding Thaxted. The study evaluated various parcels of land around the town to determine if they could accommodate either 2-2½ storey residential development (or commercial units of a similar height) without creating harm to the landscape, including key views into the town. The study area excludes the built up town centre, including the majority of the conservation area (p10).
- 10.24 The study area highlights that the majority of the application site as being within the 'inner edge' of the study area which forms the urban area of the village of Thaxted. It included a parcel of land, identified as LPLCA16, that surrounds the east and north of the site and also includes the top northern section of the plot. The accompany view, labelled as number 45, is described as, 'middle distance views are available... looking across farmland towards the settlement edge in the vicinity of Little Maypole, Clare Court and The Maypole. The properties of Little Maypole again feature prominently on the horizon and the Church spire provides a focal point' (pp 43-44).
- 10.25 The Assessment also considers that this particular parcel is 'considered to be particularly sensitive to development, with a low capacity to accommodate residential development within the landscape setting of Thaxted' (p 47). Consequently, the Assessment recommended that the land should remain undeveloped and rural in nature with the key panoramic views to the Church and valley, field patterns and hedgerows protected from further development.
- 10.26 As the Neighbourhood Plan has not yet been made, there is no policy argument to give material weight to the Landscape Assessment. In any event, the majority of the site lies outside the Assessment's area of consideration.
- 10.27 Although there would be some incursion into the countryside, it would be limited as the development would be seen against the backdrop of existing residential development and curtilages, predominantly Little Maypole, but also St Clare's. The proposal would be reasonably regarded as within the context of the surrounding residential dwellings, rather than a countryside setting.
- 10.28 Views across the existing farmland, along the Harcamlow Way and the focal points of the Church and the windmill from the river valley and fields would not be materially affected.

- 10.29 There is a limited vista of the countryside from Newbiggen Road through the Little Maypole estate which would be curbed by the new housing, but given its constrained viewpoint, such change would not be material. Views along Newbiggen Road would largely remain the same.
- 10.30 The Council's landscape officer's comments have been noted, but they must be considered against the wider policy implications of the development. The proposal would supply much needed housing within the district and contribute to the LPA's shortfall of a five year housing supply. It satisfies the NPPF's requirements of sustainable development and together the development's benefits would outweigh the limited harm it would have upon the open countryside.

D Visual amenity and design

- 10.31 The NPPF stipulate development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate development and is visually attractive as a result of good architecture (NPPF, paragraph 58).
- 10.32 Policy GEN2 seeks to promote good design requiring development to have regard to the scale form, layout and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate.
- 10.33 Reference should also be made to the Thaxted Design Statement with particular reference to boundary treatment, use of materials and colour palette. A re-creation of an ersatz historic design is not necessary, but the new buildings should be constructed to a high design level.
- 10.34 Design was one of the reasons the applicant's first proposal was refused as the Committee considered the nine dwellings by reason of their inappropriate size and scale and excessive height would result in a development being detrimental to the character and appearance of the surrounding area and the street scene.
- 10.35 In response to the refusal reason, the applicant has undertaken the following measures:
- Reduced the proposed number of dwellings from nine to eight to provide a greater separation distance from the plot's boundaries.
 - A lowered ridge height by approximately 0.9m to 7.5m achieved by a shallower pitch roof. The submitted plans make reference to a drop of around 1.2m, but this was taken from the highest ridge point, but this report takes the main ridge line of the previous refused application. Tiles would be clay
 - A more sympathetic use of materials and colour, such as russet brick and cream render, which more accurately reflects the appearance of Little Maypole and echoes material choices elsewhere.
- 10.36 The overall design of the buildings remains resolutely modern with no parallels in nearby development; however given the varied houses' appearance in the immediate area, from a typical 1980s styled estate at Clare Court, through to a more traditional design, albeit one with a modern input, at Little Maypole, the LPA considers that the design would not create an incongruous element. The geometry and design of the fenestration would result in proportions of void to solid compatible with many historic buildings in Thaxted.

- 10.37 In accordance with local policy GEN2, the Council requires developers to provide new homes, which are designed to lifetime homes standards. If permission is granted a planning condition would be imposed to ensure that all dwellings within the scheme comply with Part M of the Building Regulations, which secures the process to enable the delivery of lifetime wheelchair adaptable homes.
- 10.38 The Council prefers a layout which does not result in the street being dominated by parked vehicles to the front of dwellings, but this effect would be mitigated by the discrete grouping of the bays, landscaping and the limited size of the overall development.
- 10.39 The proposal would be largely screened from the front street scene by the Little Maypole estate. Visual impacts from other viewpoints are considered above.
- 10.40 The development has also taken into account the general principles regarding 'Secured by Design' in terms of its layout. Public spaces, such as parking areas, have been design to be overlooked to provide natural security to the public realm.
- 10.41 For a three bedroom unit, there should be a private amenity area (such as a rear garden) of at least 100m² to meet the recreational needs of future occupiers. Each individual house and surrounding curtilage meets this requirement.
- 10.42 The LPA considers that the proposal could be refined further in terms of appearance, but overall it is broadly acceptable.

E Residential amenity – no material impact

- 10.42 Residential amenity is assessed in terms of a proposal's impact on privacy levels for neighbouring occupiers, whether the development would cause excessive shadowing, create a visually dominant feature or lead to a material loss of privacy to occupiers of neighbouring occupiers
- 10.44 Residential amenity must be considered in terms of the impact on future occupiers of the development and on the existing homeowners.
- 10.45 The development's linear layout would ensure that there would be no material impact on shadowing or dominance. Properties would be overlooked, but this is not unusual for residential developments.
- 10.46 The nearest estates to the proposal would be Little Maypole to the east and Clare Court to the South.

The separation distance between the development's front elevation and the rear elevation of the Little Maypole estate would be just under 50m. This gap would mean that any impact would not be material on residential amenity.

- 10.47 The closest property in the development to Clare Court would be the southernmost plot, which is labelled as Plot 1 on the site plan.
- 10.48 The Committee refused the previous application because the proposed dwellings' size, scale and close proximity to the adjoining properties at Clare Court would result in an intrusive and development which would cause an overbearing impact.

10.49 In response to this refusal reason, the applicant has reduced the height of the properties and moved the properties away from the site boundaries. Separation distances between Plot 1 and Clare Court would be around 15m. This gap is considered to be sufficient to ensure that the development would not cause an overly dominant visual feature to Clare Court residents. There would be some overlooking for the residents, especially as they currently face open fields, but this effect would be mitigated by Plot 1's southern blank wall and the distance between the dwellings. The development would therefore cause a degree of harm of amenity for the Clare Court occupiers, but, on balance, this loss is not considered to be sufficient enough to justify refusal.

D Impact upon the setting of the heritage assets

10.50 The NPPF and Local Plan, together with the Listed Building and Conservation Area Act 1990) contain specific provisions to ensure that the individual characteristics of conservation areas and listed buildings are not adversely affected by development.

10.51 Thaxted benefits from a historic core dating from mediaeval times with many listed buildings and a conservation area, but they are some distance away from the site.

10.52 Nevertheless, the Council's conservation officer was consulted regarding the revised scheme and she considers that the proposal would not cause harm to any of Thaxted's heritage assets or the town's conservation area. For this reason, there is no need to further consider the requirements of the NPPF or Local Plan.

E Highway safety and parking provision

10.53 The submitted plans shows that the existing access into the site from Newbiggen Street and through Little Maypole's private road would be retained, but with a new thoroughfare into the development that bifurcates to provide access to the northern or southern halves of the site. An agreement to use private roads is a matter between the affected parties and it is not a material planning consideration.

10.54 Local Plan Policy GEN1 requires a development to not have an adverse effect on the highway network nor compromise the safety of highway users, such as drivers, pedestrians or cyclists. Essex County Council, who act as the local highway authority for the area, considers that the proposal is acceptable in terms of highway safety and traffic generation, subject to the conditions relating to the Advance Payments Code and the preparation of the site layout prior to occupation.

10.55 Policy GEN8 calls for a sufficient number of parking spaces that would be appropriate for the development as set out in the parking standards of Essex County Council and Uttlesford District Council. A residential development's parking is determined by the number of bedrooms of each dwelling: a three bedroom house should provide at least two parking spaces. The proposal is acceptable in this regard. Furthermore parking would be confined to the site's curtilage and so highway safety would not be compromised by the proposal.

10.56 There is no policy requirement for applicants to provide physical cover for vehicles, such as a garage or cart lodge.

10.57 There is sufficient space within each property's curtilage to provide spaces for cycles and the applicant is also proposing to include four visitor spaces, which is sufficient for the size of the development as set out in the parking standards.

10.58 All appropriate size vehicles including emergency and refuse vehicles would be able to access the site. The refuse storage area would be within the 25m carrying distance

F Dwelling mix and the provision of affordable housing

10.59 Paragraph 50 of the NPPF states that developments should deliver a wide choice of high quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

10.60 Policy H9 provides on a site to site basis an element of affordable housing, but in accordance with the housing minister's planning guidance issued in November 2014, a developer does not have to provide on-site affordable housing or an offsite financial contribution for a housing scheme for ten or fewer dwelling. As a result of the minister's statement (which was been upheld in appeal), the applicant does not have to make a provision for affordable housing for this development.

10.61 Policy H10 requires that developments of three or more dwellings should provide a significant proportion of small two and three bedroom properties. Since the adoption of the Local Plan, however, the Strategic Housing Market Assessment (SHMA) has identified that there is a need for dwellings with three or more bedrooms.

10.62 The LPA would prefer that the estate included some smaller two bedroom units across the scheme, but as the size of the development is limited to eight dwellings, the development is appropriate in this regard.

G Biodiversity and Protection of Natural Environment (ULP Policies GEN7, GEN2 and ENV7 and ENV8) – no material impact

10.63 Paragraph 98 of Circular 06/05 (Biodiversity and Geological Conservation) states 'that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would likely to result in harm to the species or its habitat' (p33).

10.64 The NPPF states that 'the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible' (NPPF, paragraph 109).

10.65 Policy GEN2 applies a general requirement that development safeguards important environmental features in its setting whilst 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. ENV8 requires development to protect landscape elements (such as hedgerows, woodland, river corridors).

10.66 The application site itself is not subject of any statutory nature conservation designation.

10.67 The accompanying ecology report considered that the site has a low ecological value with potential for nesting birds, and low potential for reptiles.

- 10.68 Essex County Council's ecology officers have looked again at the appraisal and the proposal and their advice has not changed, providing the applicant follows the same precautionary measures as set out in the earlier advice. The proposal is therefore acceptable on biodiversity grounds

H Drainage and flooding

- 10.69 The NPPF states that inappropriate development in areas of high risk flooding should be avoided by directing development away from areas at highest risk (NPPF, part 10). Policy GEN3 does not permit development within the functional floodplain unless there is an exceptional need. Outside flood risk areas development must not increase the risk of flooding through surface water run-off. A flood risk assessment will be required to demonstrate this point. Sustainable drainage should also be considered as an appropriate flood mitigation measure in the first instance.
- 10.70 The Environment Agency identifies the site as being in the lowest of the three bands of flood risk ie Flood Zone 1. The Framework indicates that all types of development are appropriate in this zone and hence there is no requirement for sequential or exemption testing.
- 10.71 The planning submission was accompanied by a surface water drainage strategy which provided guidance in relation to surface and foul water runoff, flood risk mitigations measures and Sustainable Urban Drainage Systems (SUDS) relating to the first scheme; however its findings can be safely generalised to the revised proposal.
- 10.72 The report concludes that the proposed scheme incorporates suitable flood resilient/resistant measures on a site that is within a low probability of flooding. The report states that the proposed development could be constructed and operated safely in flood risk terms and is therefore an appropriate development in accordance with the NPPF.
- 10.73 The proposed application would not give rise to increase flood risk on the site or elsewhere subject to appropriate mitigation measures.
- 10.74 Other issues:**
- 10.75 Extant planning permission**
- The report has not considered whether the site benefits from an implemented planning permission. The recommendation to approve the proposal is independent of the planning status of the site area as the application meets national and local policies.
- 10.76 The requirement for an environmental impact assessment:**
- The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2 (Class 10b, infrastructure projects – urban development projects). The site is not within a sensitive area as defined in the regulations. An Environmental Assessment is therefore not needed for this proposal.

10.77 **The Gladman appeal**

This appeal was made by Gladman Developments against the LPA's decision (ref UTT/14/1033/OP) to refuse planning permission for an outline application for residential development for up to 120 dwellings, provision of open space and recreational facilities, site access, associated highway and infrastructure works on the field that is adjacent to the application site and which partially surrounds it. The application site was not part of the appeal site.

10.78 The Planning Inspector dismissed the appeal on 19 June 2014 partly because the appellant company could not demonstrate that the development was sustainable on the basis of the NPPF's environmental criteria and that the development would cause substantial harm to the character and appearance of the surrounding area, and less than substantial, but nevertheless significant harm to the significance of the church.

10.79 Some representations have identified the dismissal of the appeal on the neighbouring site and the Inspector's view that he was 'unable to envisage how even a small number of houses could be acceptably located on the site' (appeal decision, paragraph 17) as reasons to refuse the current application.

10.80 There is no precedent in planning as each application must be determined on its own unique circumstances and independently from other decisions. The *Gladman* appeal and the Inspector's comments cannot be used as a reason to refuse permission for the current proposal, especially as there a number of distinguishing factors between the proposals such as:

- the appeal referred to a much larger development (up to 120 houses compared to eight);
- the site area was bigger (5.5ha compared to 0.32ha) and would have been spread down to the river;
- the development's depth (compared to a linear format).

10.81 **Representations:**

The following objections were addressed in the report

- contrary to Policy S7.
- the land remains greenfield and the exception principle is not valid.
- design, layout and density.
- design is out of context.
- wrong housing mix.
- contrary to the landscape assessment and landscape impact generally.
- contrary to Neighbourhood Plan.
- residential amenity.
- no consideration of the Gladman appeal's findings.
- traffic generation.
- the LPA can already meet its five year supply of housing.
- need to maintain the site's openness.
- loss of views to the church and windmill.
- impact on Thaxted.

The following points are non-material planning considerations:

- create a precedent and would encourage speculative developments.
- property prices.

- loss of a view.
- motives of the applicant's choice of development (ie no need for additional dwellings).
- enough development going on at the moment.

In relation to the remaining points:

- errors in the planning submission: the LPA considers that sufficient information has been provided to come to an informed decision.
- public services and infrastructure already stretched: the development is below the threshold that requires developer contributions.
- secured by design principles needed: this can be partly addressed by existing building regulations:

11. CONCLUSION:

- A The development is acceptable in principle as it meets the NPPF's criteria of sustainable development.
- B There would be some limited incursion beyond the town's settlement limits, but the benefit of the development in meeting the Council's five year land supply would outweigh the limited harm the development would have on the open countryside.
- C The size, scale and siting of the proposed development is satisfactory.
- D The proposed development would not result in substantial harm upon the setting of the surrounding heritage assets and the town's historic core.
- E The proposed development would not compromise the safety of the highway and its parking arrangements are acceptable.
- F There is no requirement to provide on-site affordable housing and the housing mix is not the LPA's preferred option, but nevertheless is still acceptable.
- G Subject to the implementation of the suggested mitigation measure by way of planning conditions, the proposal would not result in a significant harm to the ecology and biodiversity of the surrounding area.
- H The proposed development would not give rise to increase flood risk on the site or elsewhere subject to appropriate mitigation measures.
- I The development could be accommodated without material impacts upon the amenities of existing and future residents.
- J There is no current requirement for the applicant to meet the policies of the Neighbourhood Plan's policies and its associated documents as the Plan has not yet been made (formally adopted).

RECOMMENDATION – APPROVAL SUBJECT TO CONDITIONS:

Conditions:

1. The development hereby permitted shall be begun before the expiration of three 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. Notwithstanding the details shown on the submitted plans, the external finishing materials of the works hereby approved 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 the interests of the appearance of the development in accordance with Policy GEN2 and ENV1

JUSTIFICATION: The details of materials would need to be submitted for approval prior to the commencement of the development to ensure that the resulting appearance of the development is safeguarded and the amenity of the surrounding locality is protected.

- 3 The development hereby approved shall be carried out in accordance with the submitted 'Ecology Appraisal' prepared by DF Clark dated December 2016 unless otherwise agreed in writing by the local planning authority.

REASON: In the interest of protecting the natural habitat and protected species in accordance Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 4 Prior to the commencement of the development, a scheme of sound insulation measures must be submitted to and approved in writing by the Local Planning Authority. The scheme must demonstrate that suitable internal noise levels can be achieved as set out in BS 8233: 2014. The measures must be implemented prior to occupation of the dwelling hereby permitted.

REASON: The site requires appropriate noise mitigation and sound proofing to noise sensitive development in accordance with policies ENV11 and GEN4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 5 Prior to commencement of the development, details of hard and soft landscaping (including planting, hard surfaces and boundary treatment) must be submitted to and approved in writing by the Local Planning Authority. 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 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.

JUSTIFICATION: The landscaping would help enable the development as a whole to integrate into the wider setting within this rural setting and ensure a sense of well-being for future occupiers and therefore it is essential that these details are submitted for approval in advance of the works being undertaken.

- 6 All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised

in the above details of landscaping shall 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 shall 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 shall 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 proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with policy GEN2 of the Uttlesford Local Plan (adopted 2005)

- 7 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on drawing no. 0054_MAST shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.

REASON: To ensure that appropriate parking and turning is provided. In the interest of highway safety in accordance with policy GEN1 of the Uttlesford District Local Plan (adopted 2005) and the NPPF.

- 8 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, and approved by Essex County Council.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy GEN1 of the Uttlesford District Local Plan (adopted 2005) and the NPPF.

- 9 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.

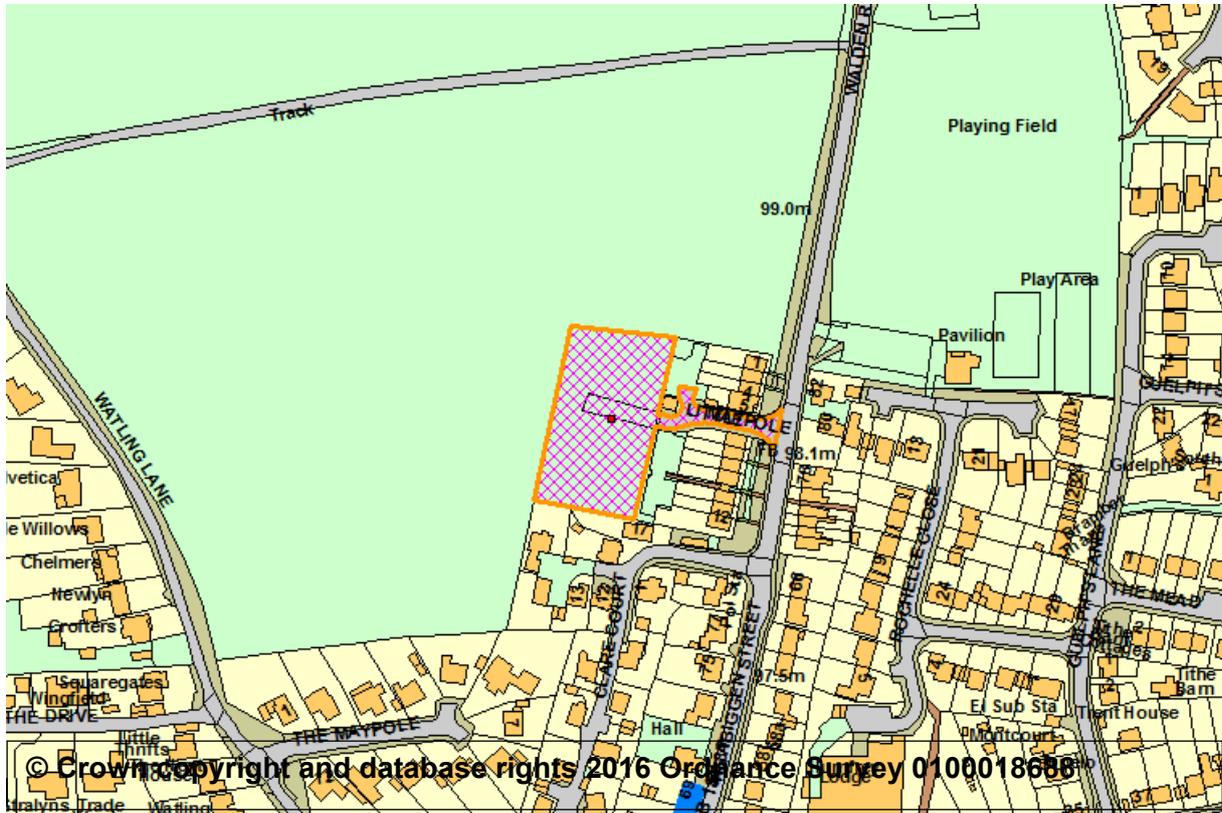
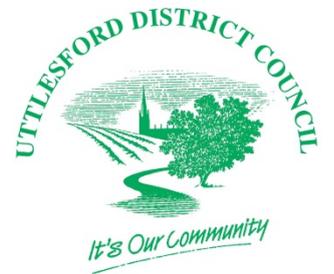
- 10 Prior to the commencement of development, the Applicant must provide a biodiversity mitigation method statement (covering nesting birds and reptiles) which must be submitted to and approved in writing by the Local Planning Authority. This document should define a protocol for site clearance and an ecologist to supervise the site clearance, in line with the approved biodiversity mitigation method statement

REASON: to ensure any reptiles disturbed by the work are can seek refuge and to ensure nesting birds are not affected by the development in accordance with policy GEN7 of the Uttlesford District Local Plan (adopted 2005) and the NPPF.

JUSTIFICATION: a pre-commencement condition is necessary to ensure that sufficient measures have been put in place for statutory protected species before development begins and therefore it is essential that these details are submitted for approval in advance of the works being undertaken.

Application: UTT/17/2624/FUL

Address: Land to the rear of Little Maypole, Thaxted



Organisation: Uttlesford District Council

Department: Planning

Date: 8 December 2017