

UTT/21/1855/OP (Debden and Wimbish)

Referred to Planning Committee as the property is owned by Uttlesford District Council.

PROPOSAL:	Outline application with all matters reserved for the erection of 1 no. four bedroom dwelling together with new access, vehicular parking and associated external works
LOCATION:	22 Tye Green, Mill Road, Wimbish, CB10 2XE
APPLICANT:	Mr P Lock, Uttlesford District Council.
AGENT:	The Design Partnership (Ely) Ltd
EXPIRY DATE:	30th July 2021 (Extension of time until 06th August 2021)
CASE OFFICER:	Nathan Makwana

1. NOTATION

- 1.1 Outside Development Limits

2. DESCRIPTION OF SITE

- 2.1 The site is located outside of any established development limits and therefore is located within the open countryside for planning purposes. It is located within the side and rear curtilage of 22 Tye Green, Mill Road, Wimbish.

3. PROPOSAL

- 3.1 Outline application with all matters reserved for the erection of 1 no. four bedroom dwelling together with new access, vehicular parking and associated external works

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.
- 4.2 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 an access and transport statement, as well as a biodiversity checklist, along with detailed floorplans and elevations. Correspondence has also been submitted by the applicants outlining the need for market housing at this site.
- 5.2 A statement submitted with this application from UDCs Housing Department states that the housing department is charged with making best use of its assets, where we have taken garden reductions that have the potential for use as building plots, the decision has to be made whether it is economically viable for us to develop a site that delivers one additional property or whether it is better to achieve a market sale of a site and then use the proceeds within the housing development programme to deliver more houses on a multi household site.
- 5.3 To date this has been the approach taken by officers and agreed by members. If the current sites achieve planning permission, then Cabinet will be asked to agree to their sale and the proceeds used along with Right to Buy Receipts and borrowing to deliver further affordable housing that meets the housing need of those on the housing register.

6. RELEVANT SITE HISTORY

- 6.1 None

7. POLICIES

National Policies

National Planning Policy Framework (NPPF) (June 2019)
National Planning Policy Guidance (NPPG)

Uttlesford Local Plan (2005)

- 7.1 S7 – The Countryside
GEN1 – Access
GEN2 – Design
GEN4 – Good Neighbourliness
GEN8 – Vehicle Parking Standards

Supplementary Planning Documents/Guidance

- 7.2 SPD – Accessible Homes and Play space (2005)

Other Material Considerations

- 7.3 Essex Design Guide
ECC Parking Standards (2009)
UDC Parking Standards (2013)

8. PARISH COUNCIL COMMENTS

8.1 Wimbish Parish Council

- 8.2 The PC objects to the proposed planning application on the plot due to the overdevelopment of the plot. The PC would support development on the site but it would like to see UDC building two terrace council houses, or affordable houses, for local residents and NOT open market sale.

9. CONSULTATIONS

UDC Environmental Health

- 9.1 Thank you for your consultation on the above planning application. I have reviewed the details and information provided.

The application site is outside aircraft and outside other transportation noise significance contours. The site is also outside the Air Quality Management Zone. It is considered that due to the limited scope of the development it will not negatively impact neighbouring properties. It is considered that the land contamination risk is low, a watching brief condition is recommended to ensure any discovered land contamination is reported to the LPA.

I therefore have no in principal objections to the development subject to the following condition being attached to any consent that maybe granted.

9.2 ECC Highways

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, as shown in principle on DWG no. UDC-919-P01 Rev. A, subject to conditions.

10. REPRESENTATIONS

- 10.1 The neighbouring properties have been consulted of the planning application. A site notice was also displayed adjacent to the application site. Two representations have been received objecting to the application proposal.

The neighbour notification period expired on the 06th July 2021. The overall expiration of the consultation period was on the 13th July 2021.

- 10.2 Summary of representations received as follows:

- 10.3
- The proposed property is considered to be too large and out of character with neighbouring properties.
 - It is out of character to surround buildings which are a mixture of council owned properties and bungalows.

- 10.4 The above are a summary of the representations received. Full versions are available by reviewing the application file online via the public access system.

11. APPRAISAL

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

- A The Principle of Development (NPPF, ULP Policies S7)**
B Character, Appearance, Design and Amenity (ULP Policies GEN2, GEN4, NPPF)
C Access and Transport (GEN1, GEN8, NPPF)
A The Principle of Development (NPPF, ULP Policies S1, H5)

- 11.1 ULP Policy S7 states that the countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there or is appropriate to a rural area. This will include infilling in accordance with paragraph 6.13 of the Housing Chapter of the Plan.
- 11.2 There will be strict control on new building. Development will only be 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.
- 11.3 Paragraph 6.13 of the Local Plan states that infilling with new houses will be permitted within settlements subject to safeguards. Some settlements are not included in any boundary. These are settlements where there are no apparent opportunities for infilling, because there are no gaps left for development and, in some cases, the approaches to the village are too loose in character for development to be appropriate.
- 11.4 Paragraph 6.14 states that there is no specific policy on infilling outside development limits because any infill proposals will be considered in the context of Policy S7. This says that development will be strictly controlled. It means that isolated houses will need exceptional justification. However, if there are opportunities for sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements these will be acceptable if development would be in character with the surroundings and have limited impact on the countryside in the context of existing development.
- 11.5 This application proposal is considered to meet the definition of sensitive infilling as this is a small gap located within a group of houses. It is acknowledged that as this is outside of development limits but remains within the built-up settlement of Tye Green.
- 11.6 As identified within paragraph 6.14, this is subject to the development being in character with its surroundings and having a limited impact on the character of the countryside. It is considered that built form in this location would not have a detrimental impact on the character of the countryside.
- 11.7 Subject to criteria regarding the design, the proposal is considered to accord with ULP Policy S7 of the Uttlesford Local Plan 2005 and the NPPF 2019.

B Character, Appearance, Design and Amenity (ULP Policies GEN2, GEN4, NPPF)

- 11.8 This application is outline only and therefore the final design (issues of appearance, landscaping, layout and scale) will be determined at the Reserved Matters stage.
- 11.9 The indicative drawing shows that a four-bedroom dwelling could be designed with appropriate parking, bin storage, bike storage and a rear private amenity space that exceeds the 100sqm minimum garden as stated within the Essex Design Guide. The rear garden space measures at 184.6m².
- 11.10 It is noted that two representations and the Parish Council have objected on the grounds of design and impact on the character of the area. Members are

reminded that this is an indicative drawing and therefore not the final design. The final design will be assessed at the Reserved Matters stage. It is solely the principle of the development that is for consideration as part of this application. The illustrative plan shows the proposed dwelling to follow the pattern of development of existing dwellings in the area and is not considered to have a harmful amenity impact to the adjoining property at No 22 Tye Green.

- 11.11 The proposal is therefore considered to accord with the design and amenity criteria outlined in ULP Policies GEN2 and GEN4 as shown in the Uttlesford Local Plan 2005, as well as similar criteria outlined within the NPPF 2019.

C Access and Transport (GEN1, GEN8, NPPF)

- 11.12 Matters of access are to be determined as part of the reserved matters stage. The indicative drawing does show that three parking spaces can be accommodated on the site, which meets the adopted parking standards for a four-bedroom dwelling.

- 11.13 Uttlesford District Council require a Transport Statement for all new dwellings between 1 and 9 dwellings. Total parking spaces to be provided as part of the scheme include: 3 no 2.9m x 5.5m parking spaces on plot, electric vehicle charging point – 1 no adjacent to the parking spaces and storage provision for two cycles.

- 11.14 Essex County Council Highways have been consulted and raise no objection subject to conditions.

- 11.15 The proposal is therefore considered to accord with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan 2005 and the NPPF 2019.

12. CONCLUSION

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

- A** Subject to criteria regarding the design, the proposal is considered to accord with ULP Policy S7 of the Uttlesford Local Plan 2005 and the NPPF 2019.
- B** The proposal is therefore considered to accord with the design and amenity criteria outlined in ULP Policies GEN2 and GEN4 as shown in the Uttlesford Local Plan 2005, as well as similar criteria outlined within the NPPF 2019.
- C** The proposal is considered to accord with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan 2005 and the NPPF 2019.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

1. Approval of the details of layout, access, scale, landscaping and appearance (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 approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

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

5. Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan 2005 (adopted) and the NPPF 2021.

6. Prior to occupation of the dwelling 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 (4.5 metres maximum) and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan 2005 (adopted) and the NPPF 2021.

7. No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan 2005 (adopted) and the NPPF 2021.

8. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan 2005 (adopted) and the NPPF 2021.

Site Map



Organisation: Uttlesford District Council

Department: Planning

Date: 20 July 2021

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