

## UTT/17/1896/FUL – (THAXTED)

(Referred to Committee by Councillor Freeman. Reason: development's benefit to the area)

**PROPOSAL:** Demolition of all existing buildings and structures and comprehensive residential redevelopment comprising of the construction of 7 no. new dwellings and related development

**LOCATION:** JF Knight Roadworks, Copthall Lane, Thaxted

**APPLICANT:** Mr JF Knight and Mrs JV Knight

**AGENT:** Mr T Dodkins, Phase 2 Planning

**EXPIRY DATE:** 14 February 2018

**CASE OFFICER:** Peter McEvoy

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### **1. NOTATION**

- 1.1 The following planning constraints apply to the application site:
- general aerodrome direction
  - contaminated and historic land use area
  - within 2km of an SSSI
  - outside development limits

### **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. The town is characterised by its medieval layout and the large number of listed buildings, especially in the town centre.
- 2.2 Bardfield Road runs from the south east of the town in an easterly direction towards Bardfield End Green. The application site is located to the north of the road, via a narrow access road approximately 450m in length with a distance to the town centre at over 1km. Copthall Lane, a narrow unlit country lane with no pavement, until it meets the town boundary, runs to the north west; access to the town centre is estimated at around 820m. The site is broadly rectangular in shape with an overall plot area of around 0.83ha.
- 2.3 The site was used as a civil engineering/ground works business, but the applicants state that it is currently used by a building company for storage purposes. Although there are residential developments nearby, the site is surrounded by open fields and is physically isolated from these settlements.
- 2.4 The LPA considers that the site may be classed as brownfield as it has been used for an established commercial enterprise.

### **3. PROPOSAL**

- 3.1 The applicants are requesting planning permission for the comprehensive redevelopment of the site with the construction of seven new dwellings, car parking bays, visitor parking provision and associated landscaping.

3.2 Full details can be obtained from the plans, but the proposal may be summarised as follows. When approaching the site from the south, there would be a detached three bedroom dwelling to the left of the access road, followed by a larger four bedroom detached property. The access road would then gently curve to a courtyard where the remaining properties would be arranged, with a six bay cart lodge (or carport) for parking. Each property would be detached and three bedroom, with the exception of plot two which is four bedroomed and plots five and six which would be a pair of three bedroomed semi-detached dwellings. Visitor parking would be at the development's entrance and to the south of the courtyard.

3.3 All measurements may be scaled from the submitted plans.

#### **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.

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 applicants have submitted the following documents in support of the proposal:

- design and access statement
- highway and drainage review
- preliminary ecological appraisal
- biodiversity checklist
- geo-environmental site investigation report
- noise assessment
- soft landscaping scheme (including specification)
- Tree protection plan
- arboricultural impact assessment

5.2 There is also information relating to a S106 agreement, including details of a footpath link.

#### **6. RELEVANT SITE HISTORY**

6.1 The Council's records show that the previous site history centred on various alterations to storage and workshops:

UTT/0747/77 – proposed demolition of two existing buildings and erection of a new building to be used for garaging of vehicles and store

UTT/0790/80 – erection of toilet and staff accommodation

UTT/0633/84 – proposed addition to existing office

UTT/1394/88 – proposed new service road, rearrangement of parking, material storage and vehicle parking and turning areas, extensions to the existing buildings

and change of use of land

UTT/1494/89 – proposed extensions to workshops following outline approval

UTT/1627/00/FUL – erection of replacement storage building and extension to existing workshop

6.2 The applicants sought pre-application advice from the LPA, who formally responded on 9 November 2015 (reference: UTT/15/3126/PA).

## **7. POLICIES**

### **7.1 National Policies**

### **7.2 Supplementary Planning Documents/Guidance**

- SPD Parking Standards Design & Good Practice September 2009.
- SPD Essex Design Guide.

### **7.3 Uttlesford Local Plan (2005)**

- Policy S7 – The Countryside.
- Policy E2 – Safeguarding Employment Land.
- Policy GEN1 – Access.
- Policy GEN2 – Design.
- Policy GEN7 – Nature Conservation.
- Policy GEN8 – Vehicle Parking Standards.
- Policy ENV8 – Other Landscape Elements of Importance for Nature Conversation.
- Policy H9 – Affordable Housing.
- Policy H10 – Housing Mix.

### **7.4 Other Material Considerations**

- Thaxted Neighbourhood Plan, including the Thaxted Landscape Character Assessment (not yet made).
- Thaxted Design Guide.

## **8. PARISH COUNCIL COMMENTS**

8.1 Thaxted Parish Council objects to the current application, though is generally supportive of the scheme in principle, subject to a s106 agreement.

## **9. CONSULTATIONS**

### **Ecology (Essex County Council)**

9.1 Officers do not raise any objections to the scheme, subject to conditions regarding compliance with the ecological report, and a suitable lighting scheme.

### **London Stansted Airport**

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

### **Landscape Officer (Uttlesford District Council)**

- 9.3 The countryside is a working landscape. The existing use of the site as a yard with its relatively low key industrial buildings is not considered to be out of place in this context. The introduction of a housing development in this setting is considered to be inappropriate and detrimental to the character of the surrounding rural landscape. Policy S7 of the Local Plan 2005 seeks to protect the countryside from inappropriate development and only permits development that is appropriate to the countryside location or needs to take place there. The proposed residential development in this isolated countryside location is considered to be inappropriate and contrary to policy.

### **Local Highways Authority (Essex County Council)**

- 9.4 Officers did have some initial concerns about the proposal, but they revised their opinion after the applicants provided additional information. They take the view that the proposed seven residential dwellings, compared to the existing use of the site as a roadworks contractor, are expected to have an inconsequential net impact on the highway network. Furthermore, it would also remove HGV movements associated with the lawful use of the site. Consequently, the Highway Authority concludes that the proposal will not have a detrimental impact upon safety or efficiency of the road network at this location, subject to conditions regarding the Advance Payments Code, amongst others.

### **Environmental Health (Uttlesford County Council)**

- 9.5 A full response will be available before committee.
- 9.6 The LPA also sought the views of the Environment Agency and Affinity Water but had not received a response at the time this report was prepared.

## **10. REPRESENTATIONS**

- 10.1 The application was publicised by sending twenty one letters to adjoining occupiers and the displaying of site notices. At the time this report was prepared, the LPA had received:
- two letters of support (including one from The Thaxted Society)
  - two neutral letters which expressed concern about access and the other about traffic generation, but were not objecting to the scheme.
  - one letter of objection from the Thaxted Neighbourhood Plan Committee. Whilst they recognise that the site is brownfield, does not believe it would be a sustainable location for housing. The accompanying Landscape Character Assessment identified the site as being unsuitable for housing of the proposed scale due to the damage such a development would cause to views in the vicinity. The access road would be long and narrow and the proposed landscaping would offer little in the way of screening mitigation. The Neighbourhood Plan's housing needs assessment showed that demand was for one to two bedroom units.

## **11. APPRAISAL**

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

- A The principle of development (NPPF, Local Plan Policies S7 and E2).
- B Compliance with the Thaxted Neighbourhood Plan.
- C Visual amenity and design (Local Plan Policies GEN2, ENV3 and ENV8, Essex Design Guide, Thaxted Design Guide).
- D Design and neighbourhood amenity (NPPF, Essex Design Guide, Thaxted Design . Guide, Local Plan Policy GEN2).
- E Residential Amenity (Local Plan Policy GEN2).
- F Access and parking (Local Plan Policies GEN1 and GEN8, Essex Parking Standards, Uttlesford Parking Standards).
- G Mix of Housing and Affordable Housing (Local Plan Policies H9, H10, and NPPF)
- H Biodiversity and Protection of Natural Environment (Local Plan Policies GEN7, GEN2, and ENV8).

**A The principle of development:**

- 11.1 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.
- 11.2 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.
- 11.3 (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 took a too restrictive to sustainable development in the countryside. The LPA does not therefore accept the applicants' assertion that little weight should be given to this policy as it obviously still merits some consideration.
- 11.4 (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'.

- 11.5 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.

- 11.6 NPPF sustainability criteria:

**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.

The application site is located outside the town's settlement boundary, and a notable distance from 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. This benefit must be weighed against the loss of employment site and the LPA notes that there are limited existing employment opportunities in Thaxted.

**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.

The proposal would create a small residential development, but given the narrow access road, and its length, it is unrealistic to expect that occupiers would access the town's amenities by cycling, walking or other non-car means. Nevertheless there would be opportunities to participate in the town's social activities.

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

**Environmental Role:** protect and enhance the natural, built and historic environment, including improvements to biodiversity and minimising waste and the impact on the environment.

The application site would form a discrete development, whilst close to other residential units, would still nevertheless be separate from the main settlement with a corresponding notable residential encroachment into the open countryside that would be outside the settlement limits. The LPA recognises that there is a fall back position of lawful employment use and that the site is brownfield, but nevertheless there would be an increase in built form and a new development away from an established settlement limit. Against this point, the dwelling units themselves would be energy efficient and contain features to ensure low carbon usage, as required by building regulations.

- 11.7 Policy E2 places safeguards against the loss of employment sites over 0.5ha in Thaxted (amongst other areas). The proposal would therefore be contrary to this policy.

11.8 In summary, 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 in principle must be approved if the proposal meets the three tests of sustainability and its benefits outweigh any harm. The LPA considers that the proposal's harm would result in the loss of an employment site, the creation of a new and notable discrete housing development with an increase in built form and loss of general openness on the site, even when compared with the commercial nature of the existing use. It would be outside the settlement limits which would not be close to Thaxted's services and realistically only accessible by car. Balanced against these considerations, however, the site is brownfield, with an existing lawful use and the development (with sensitive landscaping) would possibly make some (but not a significant) contribution to area's general amenity, together with a contribution to the housing shortfall. Overall the LPA considers that on balance the proposal's principle of development on site has not been established for the site's particular circumstances.

## **B Compliance with the Thaxted Neighbourhood Plan**

11.9 The Thaxted Neighbourhood Plan 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.

11.10 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.

11.11 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 considers the Neighbourhood Plan cannot yet be used to determine proposals in the Thaxted area. This also applies to the Plan's associated documents, such as the Thaxted Landscape Character Assessment.

## **C Visual amenity and design**

11.12 The NPPF stipulates that 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).

11.13 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.

11.14 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 historic design is not necessary, but new buildings should be constructed to a high design level.

- 11.15 The applicants are proposing a traditional unifying design throughout the development, with the houses bearing common design cues, such as gable wings and the fenestration treatment. They state that the overall height of the houses would broadly match those found nearby. External materials would be brick and painted timber weatherboarding which is a common choice for dwellings throughout the district. Perhaps the overall appearance could be broken up with the use of additional materials, such as render, but the development is considered to follow and sympathetically reinterpret the Essex vernacular. The houses would be spaced out and not crowded with sufficient amenity space to meet the LPA's requirements of one hundred square metres per property.
- 11.16 In accordance with local policy GEN2, the LPA requires developers to provide new homes, which are designed to lifetime homes standards, but the scheme will need to comply with Part M of the Building Regulations, which secures the process to enable the delivery of lifetime wheelchair adaptable homes.
- 11.17 The LPA prefers a layout which does not result in the street being dominated by parked vehicles to the front of dwellings, but the risk of such a detrimental impact is mitigated by the discrete grouping of the bays, landscaping and the limited size of the overall development. Parking is considered in more detail below.
- 11.18 The LPA notes that the applicants are proposing to introduce soft and hard landscaping within the site, with a landscape buffer to the eastern boundary to mitigate the impact of the development on the wider scheme. Nevertheless there would be properties close to the north eastern site boundary which does dilute this benefit. The Council's landscape officer was invited to consider the proposed hard and soft landscaping treatments of the site. He is of the view that notwithstanding the intended implementation programme, the scheme would not be appropriate for the area as it would represent an incursion into the open countryside.

## **D Residential amenity**

- 11.19 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. It must be considered in terms of the scheme's impact on future occupiers of the development as well.
- 11.20 Some overlooking is to be expected in a housing development, but the properties' orientation, positioning of windows and the general use of blank side elevations with houses in proximity to each other helps to reduce the impact. The relatively low density of the housing also makes a positive contribution to this as well.
- 11.21 Similarly, the dwellings would cast a shade onto their neighbours' curtilages, but this is considered to be of a similar degree to other housing developments and so not excessive.
- 11.22 Finally, in terms of visual dominance, the proposal is broadly acceptable; however, it appears that the primary ground floor windows of plots would be close to the proposed six bay cart lodge, especially bedroom three of the house in plot five. The LPA considers that visual impact on this occupier in terms of visual appearance and loss of daylight is not acceptable, though a repositioning of one of the structures (either the carports or dwelling) could address this point.
- 11.23 The development is considered to be a sufficient distance away to ensure that the

amenity of existing occupiers would not be adversely affected if the development was to go ahead.

## **E Access and parking**

- 11.24 The submitted plans show that the existing access into the site would be along a private road from the main highway.
- 11.25 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 development would not lead to a material increase in traffic generation compared to the existing lawful use and therefore the development would be in general compliance with this policy.
- 11.26 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, with a four bedroom property required at least three parking spaces.. The proposal is acceptable in this regard. There is sufficient space within each property's curtilage to provide spaces for cycles and the applicant is also proposing to include six visitor spaces, which is sufficient for the size of the development as set out in the parking standards.

## **F Dwelling mix and the provision of affordable housing**

- 11.27 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.
- 11.28 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.
- 11.29 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.
- 11.30 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 seven dwellings, the development is appropriate in this regard.

## **G Biodiversity and Protection of Natural Environment**

- 11.31 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).
- 11.32 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).

- 11.33 The accompanying biodiversity reports considered that the development, if properly managed through the use of appropriate mitigation measures would not have a material adverse effect on the site biodiversity, a view which the with which the Council's ecology officers concur. The proposal would therefore be acceptable on biodiversity grounds.

## **12 OTHER ISSUES**

- 12.1 Contaminated land and noise mitigation measures – these will be assessed in the forthcoming report from environmental health.
- 12.2 The applicants have also submitted various appeal decisions to back up their arguments for the site. These have been noted, but the LPA has considered the proposal from first principles and based on the site's unique circumstances and without recourse to other decisions.
- 12.3 Representations are considered in the main report.

## **13 CONCLUSION**

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

- A** The development is not acceptable in principle as the applicants have not shown that it meets the NPPF's criteria of sustainable development. The incursion beyond the town's settlement limits, and the lack of overall sustainability does not outweigh the benefit of the development in meeting the Council's five year land supply and the reuse of a brownfield site.
- B** The size, scale and siting of the proposed development is generally satisfactory, but the relationship between the six bay carport and the immediate properties is considered to create a visual dominant feature, especially to the future occupiers of plot five.
- C** The proposed development would not compromise the safety of the highway and its parking arrangements are acceptable
- D** 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 under current policies.
- E** 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.
- F** 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).
- G** The LPA notes the provisions of the s106 agreement, but this is not been a factor in making its recommendation.

## **RECOMMENDATION – REFUSE**

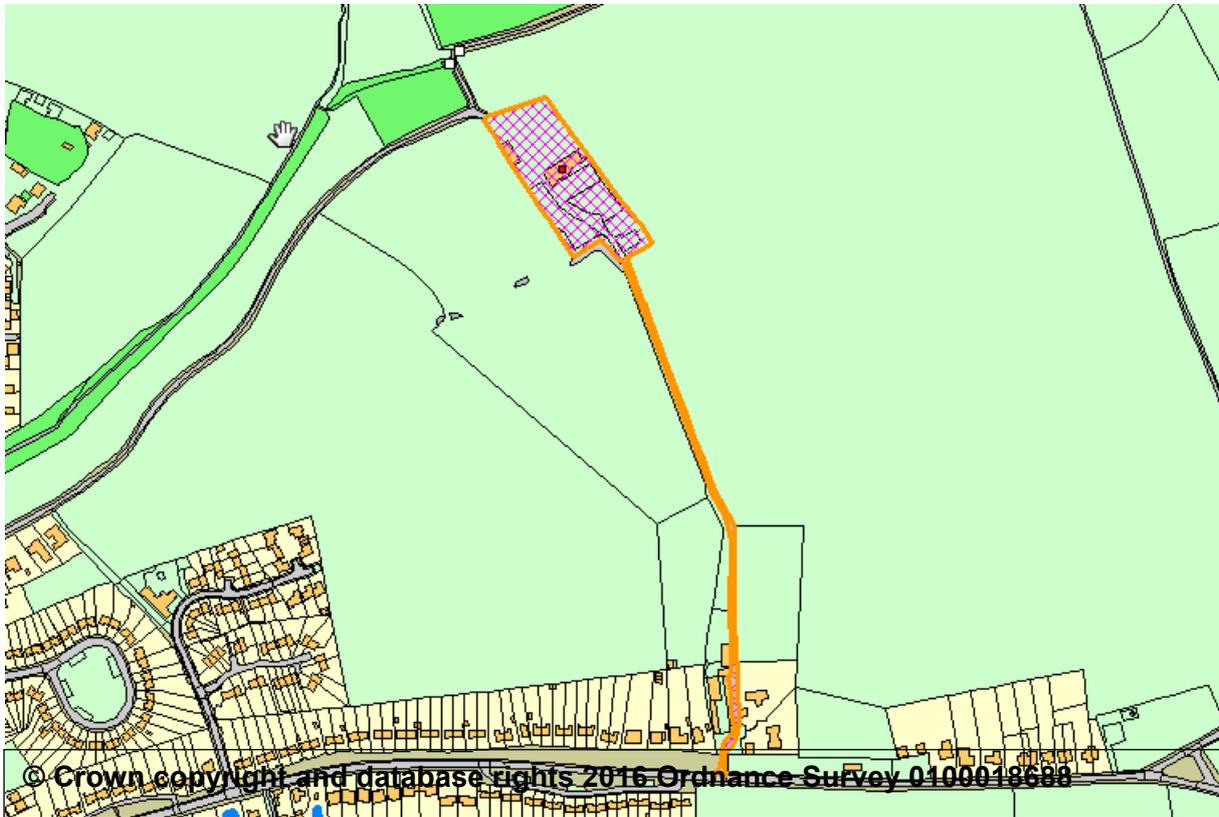
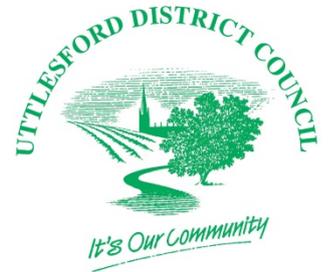
The development is not acceptable in principle as the applicants have not shown that it meets the NPPF's criteria of sustainable development. The incursion beyond

the town's settlement limits, and the lack of overall sustainability does not outweigh the benefit of the development in meeting the Council's five year land supply and the reuse of a brownfield site. The proposal is contrary to the NPPF and Local Plan Policy S7

The relationship between the six bay carport and the immediate properties is considered to create a visual dominant feature, especially to the future occupiers of plot five and so is contrary to Local Plan Policy GEN2

Application: UTT/17/1896/FUL

Address: JF Knight Roadworks, Cophall Lane, Thaxted



Organisation: Uttlesford District Council

Department: Planning

Date: 1 February 2018