

**UTT/17/3571/FUL – (THAXTED)**

(Reason: More than five dwellings)

**PROPOSAL:** Proposed residential development and associated infrastructure to erect 9 no. dwellings

**LOCATION:** Land east of Claypit Villas, Bardfield Road, Thaxted

**APPLICANT:** Mr O Hookway

**AGENT:** Mr N Tedder, Go Planning

**EXPIRY DATE:** 8 May 2018

**CASE OFFICER:** Peter McEvoy

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**1. NOTATION:**

- 1.1 The following planning constraints apply to the application site:
- within Thaxted's development limits and the open countryside.
  - general aerodrome direction.

**2. DESCRIPTION OF SITE:**

- 2.1 The application site lies on the eastern most edge of Thaxted and it is an open field on the southern side of the residential ribbon development along Bardfield Road. Dwellings in the vicinity are characterised by a variety of house styles and design, with no one type predominating. The applicant states that the area of the site is 3 500m<sup>2</sup> with a frontage of approximately 78m and a depth of around 45m (these measurements are approximate). The residential development lies to the west and north of the site with open fields elsewhere. The Environment Agency's records show that the site lies in flood risk zone 1, the lowest classification for flood risk.

**3. PROPOSAL:**

- 3.1 The applicant is requesting full planning permission to build nine dwellings. One would be detached whilst the remaining eight would be two discrete sets of four dwellings arranged as two groups of semi-detached dwellings connected by first floor link with undercroft parking. All dimensions can be scaled from the submitted plans. Full design details are discussed in the appraisal.

**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.

**5. APPLICANT'S CASE:**

- 5.1 The applicant has included a biodiversity questionnaire and ecological survey, a design and access statement, and a sustainability appraisal as part of the submission.

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

- 6.1 The Council's records show that there was an unsuccessful application in 1964 for residential development on the site (reference: DUN/0468/64), but the proposal obviously predates the National Planning Policy Framework (NPPF) and the Uttlesford Local Plan.

## **7. POLICIES:**

### **7.1 National Polices:**

- National Planning Policy Framework (2012)

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

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

### **7.3 Local Plan Policies (2005):**

- Policy S3 – Other Development Limits.
- Policy S7 – The Countryside.
- Policy GEN1 – Access.
- Policy GEN2 – Design.
- Policy GEN7 – Nature Conservation.
- Policy GEN8 – Vehicle Parking Standards.
- Policy H9 – Affordable Housing.
- Policy H10 – Housing Mix.

### **7.4 Other Material Considerations:**

- Thaxted Design Guide.

### **7.5 Thaxted Neighbourhood Plan:**

The Thaxted Neighbourhood Plan is currently in preparation. Paragraph 216 of the NPPF states that the weight given 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.

The Plan has not been made (ie adopted) and it has not yet been subject to either a formal examination or a referendum and so it cannot be used as a basis for planning policy, a view confirmed by a Planning Inspector in the recent appeal case at Little Maypole in Thaxted (APP/C1570/W/17/3187821). The applicant is not required to meet the policies of the Thaxted Neighbourhood Plan and its associated documents.

## **8. PARISH COUNCIL COMMENTS:**

- 8.1 The Parish Council objects to the proposal for the following reasons:

- the proposal constitutes ribbon development and it is contrary to policy S7;
- the properties' ridge height is too high which therefore could create loss of light or overshadowing;

- visibility from the garage could have an impact on highways safety;
- overdevelopment, excessive large dwelling are not in accordance with the latest housing needs survey which called for one and two bedroom homes as identified as part of the emerging Neighbourhood Plan;
- the site was dismissed in principal during the call for sights because of policy S7;
- no consultation with local residents.

## **9. CONSULTATIONS:**

### **Environmental Health:**

9.1 Acceptable, subject to conditions.

### **London Stansted Airport:**

9.2 The proposed development has been examined for aerodrome safeguarding, this proposal does not conflict with any safeguarding criteria. Accordingly, Stansted Airport has no safeguarding objections to the proposal.

### **Crime Prevention Officer:**

9.3 We would like to see the developer seek to achieve a Secured by Design award in respect of this proposed development. From experience pre-planning consultation is always preferable in order that security and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application. A Secured by Design award would also provide evidence of Approved Document 'Q' compliance.

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

9.4 This application has been reviewed by the highway authority, changes were required to the initial layout to ensure that the vehicles could manoeuvre safely within the site, that the access could accommodate two vehicles and that the parking bays were of an adequate size. Funding has also been required to allow the relocation of the 30mph (48km/h) speed limit so as to include this development. From a highway and transportation perspective the impact of the proposal as showing in drawing number 2017-948-002 rev A is acceptable to the Highway Authority subject to conditions.

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

9.5 Acceptable, subject to conditions.

### **National Grid:**

9.6 No comments, subject to the applicant adopting safer working practices.

9.7 The LPA also sought the views of Cadent Gas and Affinity Water but had not received an response at the time this report was prepared.

## **10. REPRESENTATIONS**

10.1 The LPA advertised the proposal by way of a site notice and notifying forty seven neighbouring occupiers. The following comments were received at the time this report was prepared:

- inadequate on-site parking with a corresponding effect on highway safety;
- no need to carve up agricultural land in an area of outstanding beauty for the sake of more 'affordable' housing;
- outside development limits;
- unsustainable location;
- no consultation with local people;
- more of a need for one and two bedroom dwellings;
- a ribbon development is contrary to Uttlesford planning policy;
- a purely speculative application;
- problems with infrastructural provision for this development including flooding from drains;
- site used by dog walkers and as an amenity space;
- risk of setting a precedent;
- considerable damage to Thaxted's streetscape;
- the site does not form part of land that has been identified as suitable for housing.

Note: these comments include those submitted by The Thaxted Society and the Thaxted Neighbourhood Plan Steering Group.

10.2 The following issues will be addressed in the report:

- outside development limits.
- unsustainable location.
- the site does not form part of land that has been identified as suitable for housing.
- damage to Thaxted's street scape.
- need for smaller dwellings.
- parking.

10.3 In relation to the other issues raised:

- the LPA does not have any specific policies on controlling residential ribbon development.
- the LPA would prefer that applicants discuss their proposals with local people, but there is no requirement to do so for developments of this scale.
- the applicant's motive (eg speculative applications) is not material planning concern.
- the use of the site for dog walking and amenity space is not a material planning concern.
- each application is assessed on its own individual merits without recourse to earlier proposals and so the approval of this application would not established a precedent.
- adequate drainage is a matter for building control.

## 11. APPRAISAL:

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

- A The principle of development (NPPF, Local Plan Policies S3 and S7).
- B Design and visual amenity (NPPF, Essex Design Guide, Thaxted Design Guide, Local Plan Policy GEN2).
- C Residential Amenity (NPPF, Local Plan Policy GEN2).
- D Access to the site and highway issues (NPPF, Local Plan Policies GEN1 and GEN8).
- E Mix of Housing and Affordable Housing (Local Plan Policies H9, H10, and NPPF).

- F Biodiversity and Protection of Natural Environment (Local Plan Policies GEN7, GEN2, ENV7, ENV8 and NPPF).
- G Drainage and Flood Risk (NPPF, Local Plan Policy GEN3).

**A The principle of development:**

- 11.1 The Local Plan, which was adopted on 20 January 2005, identifies the site as being partly outside any settlement limits, that is, within the open countryside and so both Policy S3 (other development limits) Local Plan Policy S7 (the countryside) apply to the proposal.
- 11.2 Policy S3 permits village extensions at Thaxted if the development is compatible with the settlement's character and countryside setting. An assessment of the development in these terms is considered in section on design, but the proposal is considered to meet Policy S3's requirements.
- 11.3 Policy S7 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. 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.
- 11.4 *(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 took a too restrictive to sustainable development in the countryside.
- 11.5 *(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'.
- 11.6 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 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.

#### 11.7 *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 partly located outside the town's settlement boundary, but it would still be close to the town's services and facilities and adjacent to existing residential units. The development would contribute to addressing the Council's shortfall of housing supply. Any economic benefit created by the construction of the development would be limited and temporary in nature, and so would carry limited weight but the new occupants would support Thaxted's services. Against this benefit, the LPA notes that there are limited 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 nine dwelling development with a quality built environment. The site is around 0.6km 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 social activities and to support the local community. 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 is a modestly size plot of open land. Some harm would still arise from the development, due to the loss of open space, but this should be balanced against the benefit from the dwelling units being energy efficient and contain features to ensure low carbon usage, as required by building regulations.

#### 11.8 *Conclusion:*

Without a current five year supply of housing, the LPA must assess the proposal against the NPPF's sustainability criteria, rather than just Policies S3 and S7. The 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 Visual amenity and design:**

- 11.9 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).

- 11.10 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.
- 11.11 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.
- 11.12 The applicant is proposing a traditional design with a mix of traditional design cues, such as the inclusion of gables, undercroft parking and semi-hipped roofs. The appearance of the dwellings is therefore considered to be acceptable, especially given the diverse mix of architectural styles along Bardfield Road. The applicant states the external walls would be a mixture of brick, render and weatherboarding with slate and tiles used for the roofs which are typically found on other dwellings in the district and so may be considered to be a reflection of the Essex vernacular.
- 11.13 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.
- 11.14 The scale of the properties' individual units are in keeping with the area and would create private amenity spaces of over 100 square metres, which meets the LPA's suggested thresholds for dwellings of this size

**C Residential amenity:**

- 11.15 Local Plan Policy GEN2(i) states that residential amenity would be assessed in terms of a proposal's impact on privacy levels for neighbouring and future 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 .
- 11.16 Properties in the area are already overlooked and the inclusion of additional dwellings would not result in a material loss of privacy for existing occupiers. The development's linear layout would ensure that there would be a limited impact on shadowing: some shade from the western most dwelling would fall across the gardens of the nearest property in Claypits Villas (number 20), but any shadowing created by the new houses would track across Bardfield Road for the majority of the day and then the existing open fields late in the day. The separation distances between the development and the existing dwellings is sufficient to ensure that there would be no material visual intrusion.

**D Access and parking:**

- 11.17 Applicants are required to show that their development would not compromise the safety of the highway by ensuring that any additional traffic generated by the development can easily be accommodated within the existing highway network (Policy GEN1) and by providing a commensurate level of parking that is appropriate for the development (Policy GEN8).

- 11.18 Essex County Council, who act as the local highways authority, expressed concern over the original layout regarding visibility splays, amongst other points. Accordingly the applicant revised the housing layout to address these points and after a further consultation with highways, the officers consider the proposal to be 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.
- 11.19 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. There is no policy requirement for applicants to provide physical cover for vehicles, such as a garage or cart lodge. There is sufficient space within each property's curtilage to provide spaces for cycles and the applicant is also proposing to include enough visitor spaces for the size of the development as set out in the parking standards.

**E Dwelling mix and the provision of affordable housing:**

- 11.20 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.
- 11.21 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.
- 11.22 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.
- 11.23 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 nine dwellings, the development is appropriate in this regard.

**F Biodiversity and Protection of Natural Environment:**

- 11.24 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). 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' (paragraph 109). The application site is not subject of any statutory nature conservation designation.
- 11.25 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).

- 11.26 The applicant's completed site biodiversity questionnaire did not identify any potential concerns.

#### **G Drainage and Flood Risk:**

- 11.27 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.

- 11.28 The site lies within flood risk zone 1 (as identified by the Environment Agency's flood map) which means that it is at the lowest risk of flooding.

## **12. CONCLUSION**

The proposal is in accordance with national and local planning policies and so it is an acceptable form of development for the following reasons:

- A** The site is considered to be in a sustainable location and so the principle of residential development at this location has been established.
- B** the overall design and appearance is acceptable in the context of the site;
- C** there are no issues relating to housing mix or to require affordable housing;
- D** there would be no material impact on the amenity of neighbouring occupiers nor on the future occupiers of the development;
- E** there are no issues relating to site biodiversity;
- F** there are no identified flood risks on the site.

### **RECOMMENDATION - CONDITIONAL APPROVAL SUBJECT TO A s106 LEGAL OBLIGATION.**

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 8 July 2018 the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Finance, in which case he shall be authorised to conclude such an obligation to secure the payment of monies relating to the securing of a traffic regulation order and the associated signing and road markings.**
- (II) In the event of such an obligation being made, the Assistant Director of Planning shall be authorised to grant permission subject to the conditions set out below:**
- (III) If the freehold owner shall fail to enter into such an obligation, the Assistant Director Planning shall be authorised to refuse permission in his discretion at**

**any time thereafter for the non-payment of monies relating to the securing of a traffic regulation order and the associated signing and road markings.**

**Conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to first occupation, the access as shown in the submitted drawing **2017-948-002 rev A** shall be provided, with the associated clear to ground visibility splays of 2.4m by 120m in both directions, 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 ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1 (adopted 2005).

3. Prior to first occupation a drop kerb shall be provided on the northern side of Barfield Road opposite the western edge of the access.

REASON: To facilitate pedestrian access to the footway opposite and in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

4. Prior to first occupation the cycle, vehicle, parking and turning areas to be implemented as shown in the submitted drawing **2017-948-002 rev A**. The vehicle and turning areas should be hard surfaced, sealed and maintained in perpetuity thereafter.

REASON: To ensure that that access, appropriate parking and turning is provided in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1 (adopted 2005).

5. No unbound material shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1 (adopted 2005).

6. If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

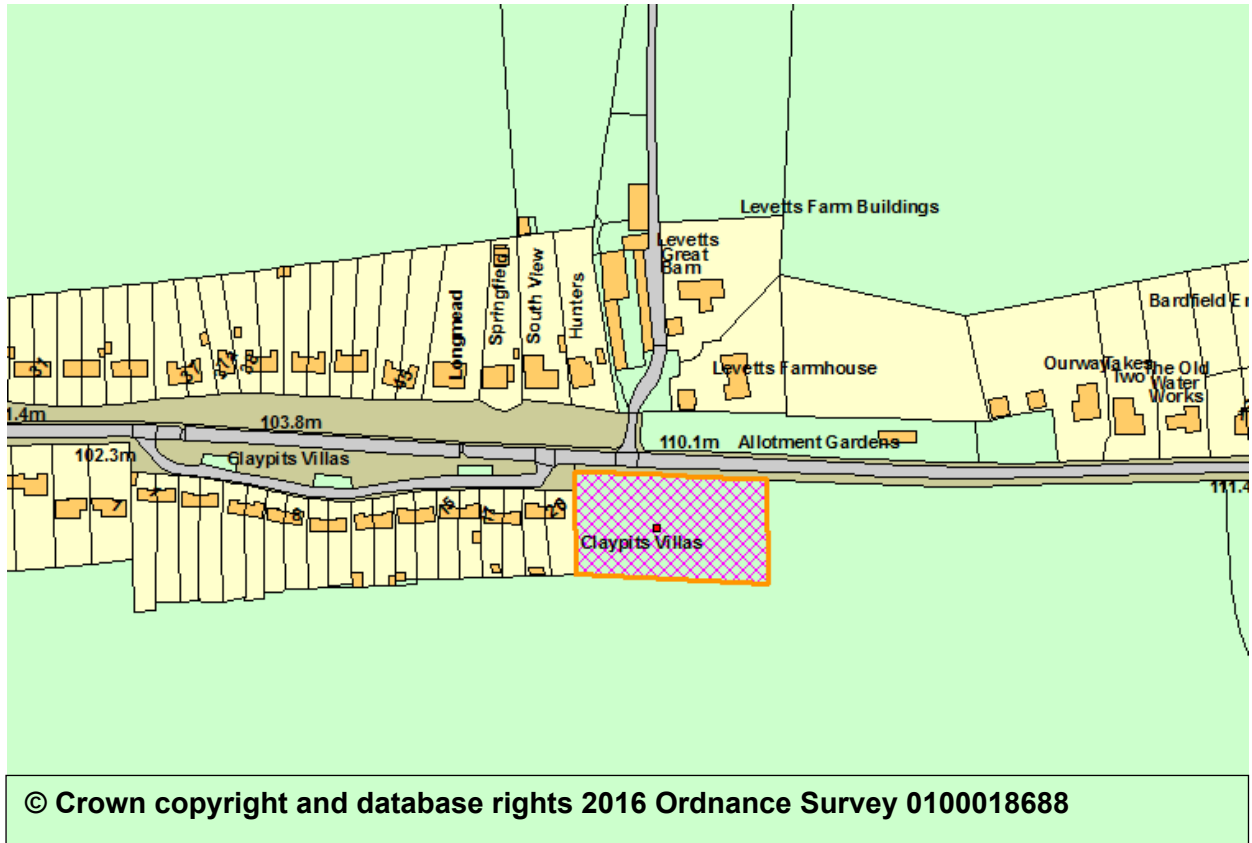
REASON: To protect human health and the environment and in accordance with Uttlesford Local Plan Policy GEN14 (adopted 2005).

7. 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 and the subsequent SPD on Accessible Homes and Playspace

Application: UTT/17/3571/FUL

Address: Land East of Claypit Villas, Bardfield Road, Thaxted



Organisation: Uttlesford District Council  
Department: Planning  
Date: 27 April 2018