

UTT/18/0188/OP – (ELMDON)

(Referred to the Planning Committee by Cllr Chambers due to over development of the site and result in a planning precedent)

(Deferred on the 11th April 2018 for site visit)

PROPOSAL: Outline application, with all matters reserved except for access, for the demolition of outbuilding and the erection of 2 no. single storey dwellings, garages and access. (Revised proposals to those approved under UTT/16/2991/OP and UTT/17/0763/OP)

LOCATION: Rear Of Holly Hedge, Woodmans Lane, Duddenhoe End

APPLICANT: MKT Developments

AGENT: Donald Purkiss & Associates LLP

EXPIRY DATE: 11 May 2018

CASE OFFICER: Chris Tyler

1. NOTATION

1.1 Outside Development Limits.

2. DESCRIPTION OF SITE

2.1 This application site is to the rear of the dwellings of Wendens Vineyard and Holly Hedge in the Village of Duddenhoe End. The site comprises a detached domestic stable block and paddock area located to the south of Woodmans End.

The stable block includes a low level pitched roof and has external finishes of weatherboarding under a tiled roof. The existing access to the site is provide adjacent Wendens Vineyard.

3. PROPOSAL

3.1 This planning application seeks outline permission with all matters reserved except access for the demolition of the existing outbuilding and the erection of 2 no. single storey dwellings and garages.

3.2 The proposed submitted plans are for indicative use only, the layout, scale, landscaping and appearance would be considered in a reserved matters application.

4. APPLICANT'S CASE

4.1 The applicant has provided a statement in support of the planning application to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way.

Also submitted is a biodiversity questionnaire.

5. RELEVANT SITE HISTORY

- 5.1 UTT/17/0763/OP – Outline application, with all matters reserved except for access, the demolition of existing garage for the erection of 1 no. single storey dwelling, garage and access. (Refused by LPA, allowed at appeal)

UTT/16/2991/OP – All matters reserved except for access, for replacement of stables as a new single storey dwelling. (Approved 2/12/2016)

UTT/13/2890/OP – (Outline application for the erection of 1 No. dwelling and cartlodge with all matters reserved except access. Demolition of existing garage and outbuildings)

This application was refused by the LPA due to being an unsustainable location and lack of S106 agreement, subsequently this was allowed by appeal on the 30/1/2015. The planning inspector states there are a number of community facilities including; milk delivery service, a school bus and mobile library services and I noted that there is a post box and a village hall. Other facilities are available within the village of Langley some 2km away, from where there is a regular bus service to larger centres including Saffron Walden. Whilst I accept that the majority of journeys would take place by car, the development would help to support local services and therefore is in accordance with the advice in paragraph 55 of the Framework.

6. ENVIRONMENTAL IMPACT ASSESSMENT

- 6.1 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.

7. POLICIES

7.1 National Policies

National Planning Policy Framework (NPPF)

7.2 Uttlesford Local Plan (2005)

Policy S7 - The Countryside

Policy H4 - Backland Development

Policy GEN2 - Design

Policy GEN1 - Access

Policy GEN8 - Vehicle Parking Standards

Policy GEN7 - Nature Conservation

Policy ENV8 - Other landscape elements important to nature conservation

Policy H9 - Affordable Housing

Policy ENV14 - Contaminated Land

7.3 Supplementary Planning Documents

UDC - Accessible Homes and Playspace

UDC - Local Residential Parking Standards

Essex Design Guide

8 PARISH COUNCIL COMMENTS

- 8.1 You are aware that the Parish Council of Elmdon and Wenden Lofts objected to the original application under UTT/17/0763/OP on the basis that we considered this to be backland development, which is contrary to policy S7, and also National Planning Framework. This new application UTT/18/0188/OP seeks to amend the original application by altering the access provisions to additionally provide for the previously granted UTT/16/2991/OP, which was approved on the basis that access was to be provided through Wenden Vineyard where it currently provides the existing stable block.

The Parish Council of Elmdon and Wenden Lofts continue our objection to this amendment (UTT/18/0188/OP) on the grounds that as we did not agree to the original plans we have no reason to alter our view to the amended plan. Furthermore, we are aware that this amended application has considerable opposition from immediate neighbours and a broad group of village residents. We are aware that a detailed letter of objection has been forwarded to you and, having reviewed a copy of this, we thoroughly endorse its contents.

9 CONSULTATIONS

ECC Ecology

- 9.1 No objection.

The plans have not changed in a way that changes the ecological effect/s of the development, comments remain as dated 30 March 2017 (Gemma Holmes).

An informative is recommended for nesting birds.

ECC Highways

- 9.2 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following measures:

There should be no obstruction above 600mm within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction above 600mm at all times.

Reason: To provide adequate inter-visibility between the pedestrian and users of access and the existing public highway for the safety and convenience of the users of the highway and access having regard safety.

Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

UDC Environmental Health

9.3 Drainage and Contamination.

Environmental Health have previously investigated a complaint of foul and surface water drainage flooding land located south of the garden to Midsummer House, near the application site. The foul drainage flooding has been resolved by the properties responsible connecting to mains drainage, but I believe there remains a problem of surface water and treated sewage effluent from some or all of the properties between Maple Cottage and Midsummer House (which would include Holly Hedge) discharging onto neighbouring land.

It is believed that some of these properties' surface water passes via soakaways and land drains to a point south east of the application site, and that some of these land drains cross the application site. Other properties' surface water goes to a pipe which runs between Holly Hedge and the application site and also connects to a land drain. This drain is in an unsatisfactory condition and the water discharges onto neighbouring land.

The application states that foul drainage will go to the mains sewer and surface water will go to a soakaway. It is known that this is heavy land with poor percolation. The reported growth of willow and alder trees on the land are further indications of poor drainage. The existing surface water drainage system is inadequate and at risk of disruption from the proposed development. A condition is recommended requiring submission and approval of a scheme to provide satisfactory foul and surface water drainage to the proposed new dwelling, and to avoid any adverse impact on the drainage of existing properties (as applied on appeal to UTT/17/0763).

RECOMMENDED CONDITIONS:

Prior to commencement of development a scheme to provide satisfactory foul and surface water drainage, and to avoid adverse impacts on the drainage of existing properties, shall be submitted to and approved by the local planning authority; all works which form part of the scheme shall be completed before any part of the development is occupied.

10 REPRESENTATIONS

10.1 16 Letters of objection received 1 Neutral letter of comments received

- Unsafe access
- No parking for host dwelling
- The proposal will set a precedent for future development of the area
- Impact to character and setting of the sit and its surroundings
- Further traffic within the area
- No transport
- Not a sustainable area
- It will be appropriate to use conditions to mitigate disturbance to neighbouring properties.
- The buildings shown on the submitted plans have never been present on this site

11 COMMENTS ON REPRESENTATIONS

11.1 All material planning matters will be addressed in the following report.

The proposed submitted plans are for indicative use only, the layout, scale; landscaping and appearance would be considered in a reserved matters application.

Planning precedent is not a material planning consideration; this application is considered by its own merit.

12 APPRAISAL

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

- A The principle of the development of this site (ULP Policies S7, H4, NPPF);
- B Access to the site (ULP Policy GEN1);
- C Vehicle Parking Standards (ULP Policy GEN8 and UDC Local Residential Parking Standards);
- D Design (ULP Policies GEN2 & ENV3, SPD Accessible Homes and Playspace)
- E Nature Conservation (ULP Policy GEN7)
- F Financial Contribution (ULP Policy H9));
- G Contaminated Land (ULP ENV14)

A The principle of the development of this site (ULP Policies S7, H4 and NPPF)

12.1 The application site lies beyond the Development Limits on land classed as countryside where policies are generally restrictive. Policy S7 looks to protect the countryside for its own sake by limiting development to that which needs to be there or is appropriate to a rural area. The National Planning Policy Framework applies a presumption in favour of sustainable development. Development will only be permitted if the appearance of the development protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

In regards to backland development, ULP Policy H4 states that development will be permitted if it follows the following criteria:

- a) There is significant under use of the land and development would make effective use of it,
- b) There would be no material overlooking or overshadowing of nearby properties,
- c) Development would not have an overbearing effect on neighbouring properties,
- d) Access would not cause disturbance to nearby properties.

These element will be included in the following report:

12.2 One of the fundamental material considerations in this application is the previously approved development of this site, this includes approval of the development of the existing stable block to (UTT/16/2991/OP) and the erection of single dwelling (UTT/17/0763/OP), albeit this current application seeks to amend these originally approved and allowed permissions.

12.3 The National Planning Policy Framework establishes a presumption in favour of sustainable development. It also identifies the three dimensions to sustainable development: economic, social and environmental. National Planning Policy Framework states that housing applications should be considered in the context of

the presumption in favour of sustainable development. As identified in the most recent housing trajectory document, Housing Trajectory 1 April 2017 (August 2017), the Council's housing land supply is currently 3.77 - 4.2 years. Therefore, contributions towards housing land supply must be regarded as a positive effect.

This means that applications for sustainable development outside development limits may need to continue to be granted where appropriate to ensure the level of housing supply is robust and provides a continuous delivery of housing. Moreover the proposal should be considered against the three strands of sustainable development including economic, social and environmental.

12.4 Economic:

The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. The development will deliver a small economic role by the creation of a small amount of employment during the construction phase and the occupiers of the houses would contribute to the local economy in the long term, as such there would be some, but limited, positive economic benefit.

12.5 Social:

The NPPF identifies this as supplying 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.

Previous planning approvals of similar development within the countryside have included site that are in close proximity to services such as school, shops, public houses and industrial estates. It is appreciated this is not the case at this site, however the Planning Inspectorate's recent decision in relation to an outline application for the residential development of a nearby site (Land at the Forge UTT/13/2890/OP and APP/C1570/A/14/2218212) considers the site a fairly sustainable location.

The planning inspectorate advised the site is considered sustainable due to the existence of facilities within Duddenhoe End. These include a milk delivery service, a school bus, mobile library services, a post box and a village hall. There are also other facilities available nearby in Langley and regular bus services to Saffron Walden. There is reasonable access to services and facilities as a result, without dependence on the private car for at least some of those facilities, if not all.

12.6 Following this allowed planning appeal, the Local Planning Authority approved the development of two dwellings within Duddenhoe End (UTT/16/1830/OP) and took into consideration the planning inspector's view of the location, the social element of sustainable development and the NPPF.

12.7 Previous refusal of the proposed development site by the LPA (UTT/17/0763/OP Land rear of Holly hedge) was due to the introduction of the built form within the rural location would result in a harmful impact to the countryside and therefore contrary to ULP Policy S7. No regards to the social element of sustainable development were made by the LPA. Subsequently this application was allowed by appeal on the 17th October 2017.

12.8 A further stance has been taken by the Local Planning Authority in regards to this current application. Due to the previous allowed planning inspector decisions of this site and neighbouring sites it is important to ensure that a consistent approach is undertaken in assessing the proposal, although it is appreciated that each case is considered on its own planning merits. Taking into consideration the previous approvals and allowed planning permissions of which are an important material planning consideration, it is considered the site to be fairly socially sustainable and in context with the aims of paragraphs 7 and 55 of the NPPF.

12.9 Environmental:

The landscape performs the function of clearly defining and containing the extent of built form. The site, although is within the rural countryside does include existing outbuildings, this site is heavily screened by vegetation and dense boundary. The size of the site could easily accommodate the proposed dwellings, access, parking and private amenity space, although the development of the site will introduce new built form it will not be overly restricted in size or result in an overdevelopment of the site. The proposal includes two single storey dwellings (shown on the submitted indicative plan), as such due to the scale of the dwelling they will not be overly dominating or obtrusive in the setting of the site and its surrounding. It is therefore considered that the development and regard to the introduction of two single storey dwellings would not result in a detrimental impact to the intrinsically rural appearance.

12.10 Having regard to the above, previous appeal decision and planning approval of this site, I consider the proposed dwellings would be in a suitable and sustainable location, in character with the surroundings and would not have an adverse effect upon the open countryside. It would therefore be consistent with ULP Policies S7 and H4 in respect of back land development, as well as guidance within the Framework in respect of development in rural areas.

B Access to the site (ULP Policy GEN1)

12.11 Local Plan Policy GEN1 sets out requirements for access to new development and generally states that the surrounding transport network should not be overburdened and that road safety should not be unduly affected, taking into account the needs of those using forms of transport other than motorised vehicles.

12.12 Essex County Council Highways have been consulted and have made no objections to the proposed development on the basis of highway safety subject to the imposition of conditions. The proposal will include the use of the existing access to the site, which passes the side of Holly Hedge. The Supporting Statement makes clear that the intention is to include hard landscaping to mitigate the close relationship of the access and the neighbouring dwelling, this will be included in a further reserved matters application. As such the proposal is not considered contrary to ULP Policy GEN1.

12.13 Local Plan Policy GEN1 also requires that new developments encourage movement by means other than driving a car. It is noted above, in relation to the sustainability of the subject site, that there are facilities within Duddenhoe End that are accessible on foot and bus services to nearby local destinations.

12.14 The proposed dwelling would have sufficient amenity space in accordance with Local Plan Policy GEN2 and as advised by the Essex Design Guide (adopted 2005).

C Vehicle Parking Standards (ULP Policy GEN8 and UDC Local Residential Parking Standards)

- 12.15 Local Plan Policy GEN8 only supports development that would provide for vehicle parking places that are appropriate for the location in terms of number, design and layout. The Essex County Council Parking Standards Design and Good Practice (September 2009) and the Uttlesford Local Residential Parking Standards (February 2013) have both been adopted by the Council to provide further guidance.
- 12.16 The maximum minimum number of car parking spaces that would be required for a new dwellinghouse is three. Although this matter would be dealt with in detail at the reserved matters stage, it is clear that the subject site could comfortably accommodate more than this number of spaces for each dwellinghouse.

D Design (ULP Policies GEN2 and GEN4)

- 12.17 Local Plan Policy GEN2 sets out general design criteria for new development and in particular requires that development is compatible with the scale, form, layout, appearance and materials of surrounding buildings. The Essex Design Guide (2005) supplements this policy and Paragraph 64 of the NPPF complements it by resisting poor design. Overall it is noted that, although matters relating to design, including appearance, layout and scale, will be assessed at reserved matters stage, there is no reason why the site would not be able to accommodate an appropriately design single dwelling that are consistent with the character of the surrounding pattern of development.
- 12.18 UDC's Landscape Officer has recommended a condition requiring a fully detailed scheme of landscaping to reduce the visual impact of the development. However, given that landscaping would be assessed at reserved matters stage, this is not considered necessary.
- 12.19 Local Plan Policy GEN2 states that new development should provide an environment that meets the reasonable needs of all potential users. The Accessible Homes and Playspace SPD provides further guidance, in particular in relation to the Lifetime Homes standards. Although compliance in respect of this issue will be assessed at reserved matters stage, it is noted that there is no reason to believe that this could not be achieved.
- 12.20 In relation to garden space, it is noted that the subject site is sufficiently large to allow for the provision of two gardens well in excess of the 100sqm standard set out in The Essex Design Guide for dwellinghouses with three or more bedrooms.
- 12.21 Local Plan Policy GEN2 requires that development does not cause an unacceptable loss of privacy, loss of daylight, overbearing impact or overshadowing to neighbouring residential properties. Although this matter would be assessed at the reserved matters stage, given the size of the site and the position of neighbouring dwellinghouses in relation to the subject site, it is considered that the subject site could very comfortably accommodate two dwellinghouses without an unacceptable impact on the amenity values of neighbouring residential properties.
- 12.22 Local plan Policy GEN4 states development will not be permitted if the noise from the development would cause a material disturbance or nuisance to occupiers of

surrounding properties. The access to the site being considered in this application will serve two dwellings, the access already has existing permission to serve one dwelling, the net increase of a single dwelling is not considered to be of a significant increase that will cause a material harmful impact to neighbouring properties.

E Nature Conservation (ULP Policy GEN7 and ENV8)

- 12.23 Local Plan Policy GEN7 does not permit development that would have a harmful effect on wildlife. Local Plan Policy ENV8 provides further protection for landscape elements of importance for nature conservation.
- 12.24 A Preliminary Ecology Appraisal was submitted with the previously approved planning applications, the conclusion from this remains that no protected or important species or habitats would be directly affected by the proposed development. It is stated that there could be an indirect impact on nesting birds and bats utilising the boundary habitats; however, it is concluded that these impacts could be mitigated through design measures and landscaping. ECC's Ecological Consultant acknowledges the conclusions of the submitted Preliminary Ecology Appraisal and makes no objections.
- 12.25 On this basis, it is considered that there would be no undue harmful impact on wildlife and the natural environment. This would be subject to layout and landscaping, which would be assessed at reserved matters stage and are capable of being acceptable. As discussed above in relation to landscaping, a condition is not considered necessary.

F Financial Contribution (ULP Policy H9)

- 12.26 Local Plan Policy H9 seeks an element of affordable housing on a site by site basis. The Council's Developer Contributions Guidance Document (2015) seeks a financial contribution towards affordable housing on sites of two to four dwellinghouses. However, given the advice in Planning Practice Guidance (paragraph reference ID: 23b-031-20160519), which states that contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build development, it is not considered that a financial contribution would be required. This is because the proposal qualifies as a small scale development of 10-units or less, which is unlikely to have a combined maximum gross floorspace of more than 1,000 square metres, and there are no other material circumstances that indicate that it would be justifiable to seek a contribution.

G Contamination (ULP Policy ENV14)

- 12.27 ULP Policy ENV14 states before development, where a site is strongly suspected of being contaminated an assessment and remediation will be required. The site has been investigated for foul and surface water drainage, as such the council's environmental health specialist advise this could this problem remains and therefore a condition is recommended for the submission of foul and surface water drainage details prior to implementation of the development.

13 CONCLUSION

- 13.1 Taking into consideration the extant planning permissions linked to this and neighbouring sites, representations and evaluation of the relevant planning issues,

the proposed development is an appropriate form of development, subject the imposition of conditions and the submission of acceptable reserved matters. The proposal is in accordance with Uttlesford Local Plan (2005) and the NPPF.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

1. Approval of the details of layout, 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 dwellings hereby permitted must be built in accordance with Optional Requirement M4(2) (Accessible and adaptable dwellings) 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 SPD on Accessible Homes and Playspace.

4. Prior to commencement of development hereby permitted a scheme to provide satisfactory foul and surface water drainage, and to avoid adverse impacts on the drainage of existing properties, shall be submitted to and approved by the local planning authority; all works which form part of the scheme shall be completed before any part of the development is occupied.

REASON: To ensure the foul drainage and surface water from has sufficient and appropriate dispersion from the site and will not result in contamination, in accordance with ULP Policy ENV14

5. Prior to the commencement of the development hereby approved details of loading/unloading, storage of materials and manoeuvring of vehicles within the curtilage of the site, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: This pre-commencement condition is required to ensure there is a sufficient scheme for the appropriate loading/unloading facilities are available so that the highway is not obstructed during the construction period in the interest of highway safety, in accordance with ULP Policy GEN1

6. There should be no obstruction above 600mm within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided and approved in writing by the Local Planning Authority prior to the access is first used by vehicular traffic and retained free of any obstruction above 600mm at all times.

REASON: To provide adequate inter-visibility between the pedestrian and users of access and the existing public highway for the safety and convenience of the users of the highway and access having regard safety, in accordance with ULP Policy GEN1.

7. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety and in accordance with ULP Policy GEN1.

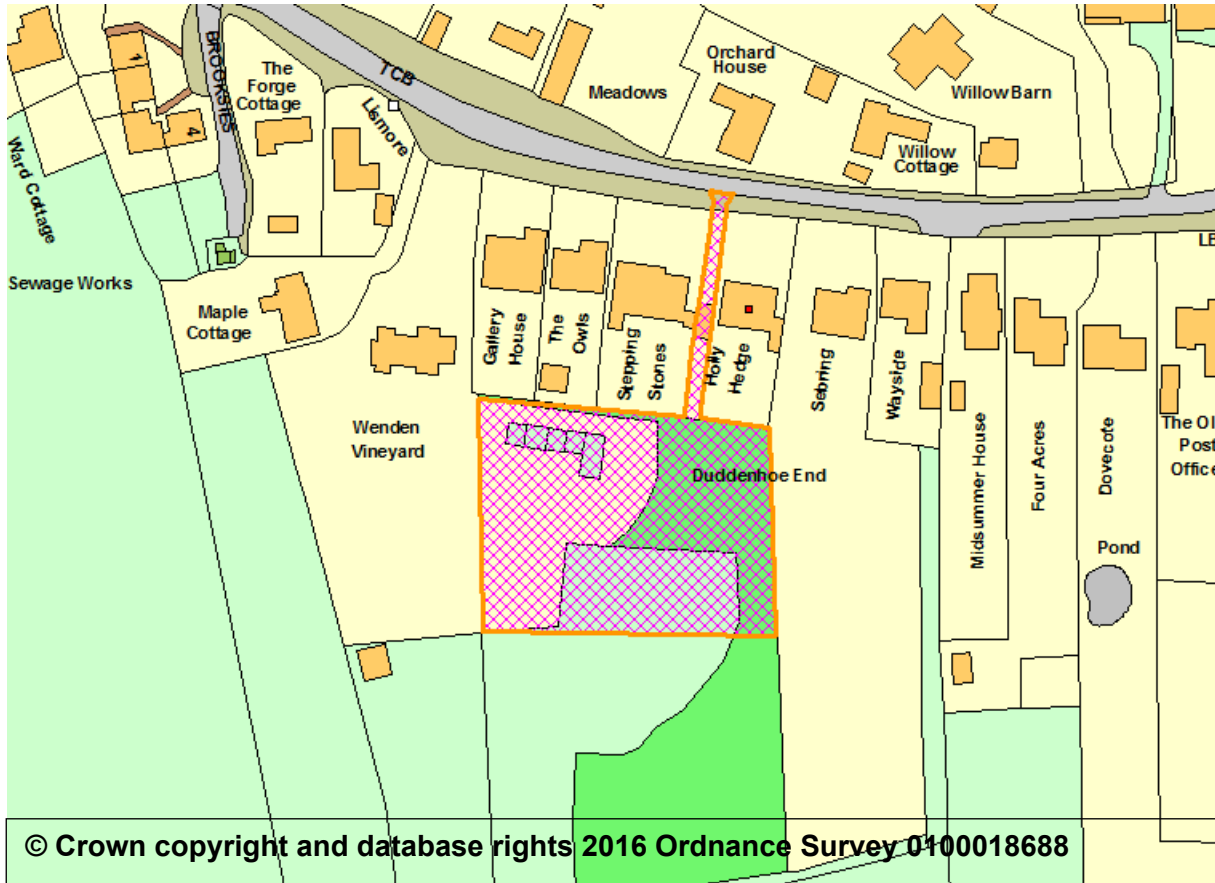
Informative

The applicant is reminded that, under the Wildlife & Countryside Act 1981 as amended (section 1), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Nesting birds are assumed to be present within vegetation on site between the above dates, unless a recent survey has been undertaken by a competent ecologist and has shown it is absolutely certain that birds are not present.

Application: UTT/18/0188/OP

Address: Rear of Holly Hedge, Woodmans Lane, Duddenhoe End



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