

UTT/18/0527/OP – (TAKELEY)

(Minor Application. Committee Referral Reason: Eight house development)

PROPOSAL: Outline application with all matters reserved except for access, layout, and scale, for the erection of 4 no. pairs of semi-detached dwellings

LOCATION: Land to the South of School Lane, Molehill Green, Takeley

APPLICANT: Mr D Carr

AGENT: Mr A F Weaver

EXPIRY DATE: 10 June 2018

CASE OFFICER: Peter McEvoy

1. NOTATION

- 1.1 The following planning constraints apply to the application site:
- outside development limits;
 - general aerodrome directions.

2. DESCRIPTION OF SITE

- 2.1 The application site is outlined in red on the location plan attached to the end of this report. It is located to the east of the centre of Molehill Green, along the southern side of School Lane, a narrow single track road. The site is currently open space on level ground. There are semi-detached properties directly opposite the site (ie to the north), with detached dwellings on either side of the site, and fields to the south.
- 2.2 There are a variety of housing styles and types in the vicinity with no single unifying theme.

3. THE PROPOSAL

- 3.1 The applicant is requesting outline planning permission for a small development of four pairs of semi-detached two storey houses (ie eight properties in total). Only the principle of development, access and scale are to be considered in the current application, with all other matters reserved.
- 3.2 As it is only an outline application, the plans at this stage are indicative, but some general observations can still be made:
- each plot would be relatively long and narrow
 - the buildings would be staggered to follow the approximate building line between Blossoms Cottage to the west and Sunny View to the east.
 - the applicant states on his plans that the maximum ridge height would be 7.11m which compares favourably to the 8.0m height of Blossoms Cottage (which is set on slightly higher ground as well); however, it would be in marked contrast to Sunny View which is a bungalow.
 - each dwelling would have two bedrooms and two tandem parking spaces.

4. APPLICANTS' CASE

- 4.1 The applicant has submitted the following documents in support of his proposal:
- ecological assessment
 - biodiversity checklist
 - design and access statement

Where relevant, these documents are discussed below.

5. RELEVANT PLANNING HISTORY

- 5.1 None.

6. POLICIES

National Policies

- National Planning Policy Framework

Uttlesford Local Plan (2005)

- Policy S7 – The Countryside
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN7 – Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance
- Policy ENV10 – Noise Sensitive Development and Disturbance from Aircraft

Other documents

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

7. PARISH COUNCIL COMMENTS

- 7.1 Takeley Parish Council:
- the area is outside development limits and is considered to be in the Countryside Protection Zone
 - rural nature of the area and the very close proximity of the airport do not support the area as suitable development area
 - the density of the housing does not appear to match existing and concern was raised that it was an over development of the site

8. CONSULTATIONS

Essex County Council Place Services (archaeology)

- 8.1 The department recommends an archaeological programme of trial trenching followed by open area excavation.

Essex County Council Place Services (ecology)

- 8.2 No objection subject to securing biodiversity mitigation and enhancement measures.

NATS Safeguarding

- 8.3 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company has no safeguarding objection to the proposal

Essex County Council (local highways authority)

- 8.4 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

Uttlesford District Council environmental health

- 8.5 No objection subject to noise mitigation measures.
- 8.6 The following organisations were consulted, but they had not responded at the time this report was prepared.
- Thames Water.
 - Affinity Water.

9. REPRESENTATIONS

- 9.1 The LPA sent sixteen notification letters and posted a site notice to advertise the proposal. The LPA received two replies:
- the ecology report would be acceptable because the site was totally cleared in the summer of 2015: the ponds were filled, trees felled and the undergrowth and perimeter hedge rows were cut.
 - overdevelopment and lack of separation distance.
 - lacks any visual interest
 - should be a mix of detached and semi-detached dwellings
 - anecdotal stories of Great Crested Newts at the site before the plot was cleared.
- 9.2 The site clearance is not relevant for the proposal. The Council cannot consider hearsay. Housing mix and overdevelopment (in terms of scale) are considered in the report. Visual appearance will be assessed in the reserved matters application.

10. APPRAISAL

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

- A The principle of development (NPPF, Local Plan Policy S7)
- B Scale (Local Plan Policy GEN2)
- C Site biodiversity (NPPF, Local Plan Policy GEN7)
- D Access and parking (Local Plan Policies GEN1 and GEN8, Uttlesford Parking Standards, and Uttlesford Parking Standards)
- E Ancient monuments and sites of archaeological importance (NPPF, Local Plan Policy ENV4)
- F Noise sensitive development (Local Plan Policy ENV10)

A The principle of development

- 10.1 The Local Plan identifies the site to be 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 in certain areas, but the Local Plan does not include Molehill Green in this concession.

10.2 Policy S7 cannot solely be used in the determination of the application for the following reasons:

- a) following the Council's adoption of the Local Plan, the Government published the 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 for local planning authorities such as Uttlesford District that cannot demonstrate five years of deliverable housing sites.

(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 partially consistent with the Framework, as the Local Plan's approach was too restrictive to sustainable development in the countryside.

(b) A five year supply of housing:

Paragraphs 47-49 of the NPPF require the Council to identify at least five years' worth of deliverable housing land, with paragraph 49 stating that, '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'.

The Council's most recent housing projection was in August 2017 and it identified that the Council did not meet 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, based on whether the proposal meets all other relevant planning policies.

10.3 *NPPF sustainability definitions:*

The NPPF defines each criterion as follows:

- 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.
- 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.
- environmental role: protect and enhance the natural, built and historic environment, including improvements to biodiversity and minimising waste and the impact on the environment.

10.4 The application site is would be close to the settlement's services, as well as those in the surrounding settlements. The LPA notes the applicant's assertion that there would be an economic benefit arising from the construction of the development but considers that any advantage would be both limited and temporary in nature. Overall there would be some positive benefit in terms of economic sustainability.

- 10.5 The proposal would create an eight dwelling development in an established village. Future occupiers could take advantage of local community services and provide smaller two bedroom dwellings, rather than larger 'executive' type houses. One of the district's largest employers, Stansted Airport is close by. The proposal would provide new dwellings that comply with the accessibility requirements of Part M of the Building Regulations for less able occupiers. Overall, there would be some positive benefit in terms of social sustainability.
- 10.6 The dwelling units would be energy efficient and contain features to ensure low carbon usage, as required by building regulations. The loss of open space to the development would have an environmental impact, but the LPA notes that this effect would be mitigated to some degree as the immediate area is residential in nature and the dwellings would be in a linear form that runs parallel to the road, rather than out into the open fields beyond the site. The special circumstances of the site mean that there would be some positive benefit in terms of environmental sustainability.
- 10.7 To summarise, the proposal must be assessed primarily against the NPPF, rather than just Policy S7. The current lack of a five year supply of housing means that a development must be approved if the proposal meets the three tests of sustainability and its benefits outweigh any harm. The proposal would satisfy the economic and social criteria and, on balance, the environmental role as well, although there would be some negative impact in this respect. Providing the proposal creates a net benefit in planning terms by complying with all other relevant policies, the principle of the development on the site is acceptable.

B Scale

- 10.8 Both national and local planning policy, together with the associated design guidance, expect developments to be constructed to a high standard in terms of design.
- 10.9 Design goes beyond a proposal's appearance and choice of materials to include the development's layout and scale. The applicant has requested that only these last two points are considered for the current application, with other design factors to be assessed at the reserved matters stage.
- 10.10 A proposal should relate to its immediate area and be generally sympathetic to nearby buildings, without overly dominating the street scene in terms of scale or mass. Dwellings in the area are characterised by generously sized plots. The development would follow this theme, and provide each house with sufficient private amenity space to meet the LPA's guidelines. The properties' staggered building line follows the building line between the existing dwellings to the east and west of the site and corresponds to the lane. Like the semi-detached dwellings that face the site, the development would be set back from the road.
- 10.11 The LPA considers that both the layout and scale are appropriate for the site.
- 10.12 Local Plan Policy GEN2 requires developments to not create an unacceptable impact on the amenity of nearby occupiers in terms of shadowing, visual dominance or loss of privacy. A precise analysis depends will depend on the final plan, but the development's positioning as shown in the submitted documents are considered to be a sufficient distance away from its immediate neighbours to ensure that any impact on residential amenity would not be material.

C Site biodiversity

- 10.13 Local Plan Policy GEN7 requires applicants to show that the development would not have a harmful effect on wildlife or geological features unless the need for the development outweighs the importance of the feature to nature conservation. Applicants also have a legal duty towards legally protected species or habitats. Paragraphs 109 and 108 of the NPPF requires development to enhance and contribute to biodiversity where possible.
- 10.14 The applicant's submitted biodiversity questionnaire identified that there was priority habitat within 100m of the site and so a detailed site assessment was included in accordance with Place Service's requirements. This report concluded that the ecological value of the site was low, but nevertheless could incorporate some basic wildlife enhancements to benefit local wildlife, such as bat boxes or sparrow terraces. Essex County Council's ecological officers have examined the proposals and they are satisfied that it would be acceptable, subject to mitigation measures which they recommend should be conditioned on any planning approval.

D Access

- 10.15 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). Two bedroom properties of the type proposed by the applicant require two parking bays per dwelling, based on Uttlesford's parking standards.
- 10.16 As noted above, School Lane is a rather narrow highway and the proposal would lead to some additional traffic from future occupiers leaving and entering the site. The local highways authority are satisfied that from the proposal would be acceptable to them, subject to conditions to ensure highway safety, such as visibility splays or parking layouts.

E Ancient monuments and sites of archaeological importance

- 10.17 Local Plan Policy ENV4 recognises that there are around 3 000 sites of archaeological interest within the district. The need for development which could potentially affect sites that may have some archaeological importance should be balanced against the need for the development.
- 10.18 The Essex Historic Environment Record shows the development to lie within the historic village of Mole Hill Green on a known area of archaeological deposits, to the north east of Stansted Airport. Excavations in the immediate vicinity have shown extensive medieval occupation in and around the village. A number of house platforms, thought to be of medieval date are already recorded within the village (EHER 4711) on the site of the proposed development. Any development on this area will cause a significant impact to the surviving archaeological deposits. For that reason, the archaeological officer has recommended a programme of trial trenching, followed by open area excavation. Based on the historic importance of the vicinity, the LPA considers that such a precaution is reasonable under these circumstances.

F Noise sensitive development and disturbance from aircraft

- 10.19 Policy ENV10 states that noise sensitive development, such as housing, would not be permitted if the occupants would experience significant noise disturbance, based on the appropriate noise contour for the type of development and the proposed design and sound proofing features.
- 10.20 Aircraft movements are a major source of noise in Uttlesford. The site is close to Stansted Airport and so there is a potential for future occupiers of the development to experience excessive noise from aircraft approaching and leaving the airport.
- 10.21 The Council's environmental health officer has identified the site as being in area which would be subject to noticeable aircraft noise and so the development has the potential to be adversely affect by unacceptable levels of noise pollution. The officer therefore recommends a noise mitigation scheme as a condition of planning permission. The LPA considers that such a requirement is reasonable.

11. CONCLUSION

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

- A** The principle of the development is deemed to be appropriate in that it would be of a sustainable development in accordance with the National Planning Policy Framework.
- B** The scale and layout are broadly acceptable.
- C** The proposal would not adversely affect the biodiversity on site, subject to mitigation measures.
- D** The proposed development would not compromise the safety of the highway.
- E** Development should not commence until an archaeological investigation has been completed.
- F** The development should be acceptable in terms of minimising aircraft noise, subject to acceptable mitigation measures.

RECOMMENDATION – APPROVAL SUBJECT TO CONDITIONS.

Conditions

1. Approval of the details of appearance and landscaping ('the Reserved Matters') shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 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 shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and 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 shall 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: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. There should be no obstruction above ground level 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 accesses are first used by vehicular traffic and retained free of any obstruction at all times.

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

5. Prior to the first occupation of the development the access arrangements and vehicle parking areas as indicated on drawing no. 018/724-OP shall be provided, hard surfaced, sealed and marked out. The access and parking areas shall be retained at all times for their intended purpose.

REASON: To ensure that appropriate access and parking is provided in accordance with Uttlesford Local Plan Policies GEN1 and GEN8.

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with Uttlesford Local Plan Policy GEN1.

7. Prior to occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials shall be provided clear of the highway and retained at all times for that sole purpose.

REASON: To ensure that appropriate loading and unloading facilities are available in the interest of highway safety and in accordance with Uttlesford Local Plan Policy GEN1.

8. No development or preliminary groundworks can commence until a programme of archaeological trial trenching and excavation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

JUSTIFICATION: A pre-commencement condition is necessary because the LPA has reasonable grounds to believe that the site may contain archaeologically important artefacts and an investigation programme is necessary to enable the LPA to make an informed decision regarding the most appropriate steps.

REASON: To ensure that the development will not cause harm to a site of archaeological importance in accordance with the NPPF and Uttlesford Local Plan Policy ENV4.

9. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: To ensure that the development will not cause harm to a site of archaeological importance in accordance with the NPPF and Uttlesford Local Plan Policy ENV4.

10. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment eg (Hybrid Ecology, March 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes due diligence regarding nesting birds, cover trenches overnight, infill hedge, install bat box and sparrow terrace, ensure lighting is away from the hedgerow habitat.

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and in accordance with the NPPF and the Uttlesford Local Plan Policy GEN7.

11. No development shall commence until a scheme of noise mitigation has been submitted and approved in writing by the local planning authority. Details shall be included in the scheme of the design, layout and acoustic noise insulation performance specification of the external building envelope, having regard to the building fabric, glazing and ventilation. The scheme shall be based on insulation calculations provided in British Standard 8233:2014 and shall be designed to achieve the following noise targets:

Bedrooms (23.00-07.00 hrs) 30 dB LAeq and 45 dB LMax
Living Rooms (07.00-23.00 hrs) 35 dB LAeq

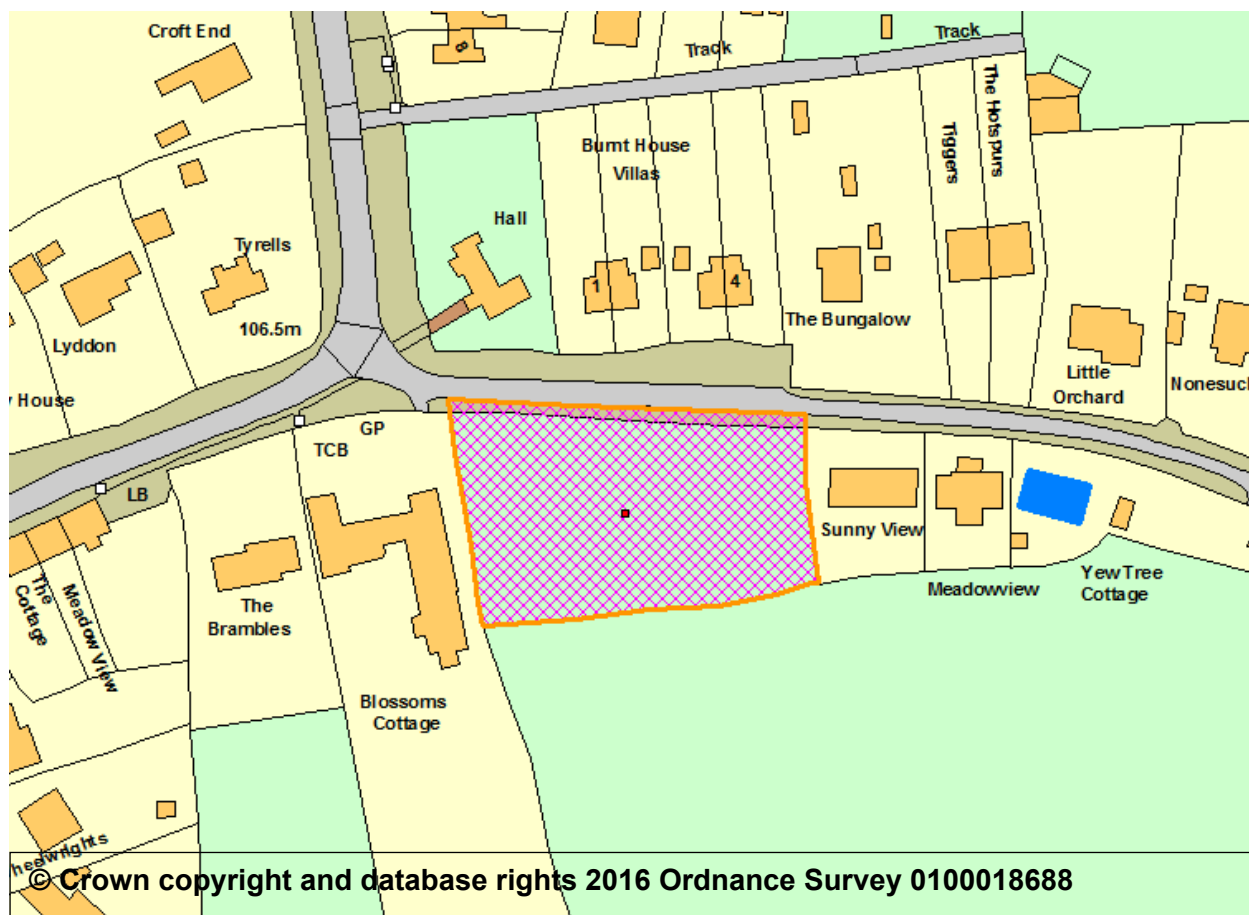
The scheme as approved shall be fully implemented prior to occupation of the residential units and shall be retained thereafter and not altered without prior approval.

JUSTIFICATION: Future occupiers may be adversely affected by aircraft noise and so the LPA needs to be satisfied that sufficient mitigation measures can be achieved to protect occupiers before the development can begin.

REASON: To ensure that the development will not cause harm to the general amenity of occupiers (in terms of noise) in accordance with Uttlesford Local Plan Policy ENV10.

Application: UTT/18/0527/OP

Address: Land Adjacent to Sunny View, School Lane, Molehill Green



Organisation: Uttlesford District Council

Department: Planning

Date: 24 May 2018