

## **UTT/18/1429/OP (ASHDON)**

(Referred to Committee by Cllr Rolfe. Reason: The site is outside Development Limits and the proposal represents overdevelopment)

**PROPOSAL:** Outline application, with all matters reserved except for access, for a residential development of 4 no. detached houses together with access to Radwinter Road.

**LOCATION:** Land to the West of Radwinter Road, Ashdon

**APPLICANT:** Mr W Bel, Mr P Bidwell, Mrs A Curran & Mrs S Rivers

**AGENT:** Mr Charles Nash

**EXPIRY DATE:** 28 September 2018

**CASE OFFICER:** Luke Mills

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### **1. NOTATION**

1.1 Countryside.

### **2. DESCRIPTION OF SITE**

2.1 The site is located off Radwinter Road, Ashdon. It comprises a portion of undeveloped agricultural land.

### **3. PROPOSAL**

3.1 The application is for outline planning permission, with all matters reserved except access, for the erection of four detached houses. A single vehicular access would lead to a shared access road.

### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### **5. APPLICANT'S CASE**

5.1 The application was submitted with the following documents:

- Planning Statement incorporating Design and Access Statement
- Biodiversity Validation Checklist

5.2 A Preliminary Ecological Appraisal was submitted during the determination period.

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

6.1 No recent, relevant history.

## **7. POLICIES**

- 7.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:
- (a) the provisions of the development plan, so far as material to the application,
  - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.
- 7.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.3 Relevant development plan policies and material considerations are listed below.

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

- 7.4 S7 – The Countryside  
GEN1 – Access  
GEN2 – Design  
GEN3 – Flood Protection  
GEN4 – Good Neighbourliness  
GEN6 – Infrastructure Provision to Support Development  
GEN7 – Nature Conservation  
GEN8 – Vehicle Parking Standards  
ENV2 – Development affecting Listed Buildings  
ENV5 – Protection of Agricultural Land  
H1 – Housing Development  
H9 – Affordable Housing  
H10 – Housing Mix

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

- 7.5 SPD – Accessible Homes and Playspace (2005)  
The Essex Design Guide (2005)  
Parking Standards: Design and Good Practice (2009)  
Uttlesford Local Residential Parking Standards (2013)

### **National Policies**

- 7.6 National Planning Policy Framework (NPPF)  
- Paragraphs 11, 73, 78-79, 102-111, 127, 155-165, 170, 175 & 189-196  
Planning Practice Guidance (PPG)  
- Conserving and enhancing the historic environment  
- Design  
- Flood risk and coastal change  
- Housing: optional technical standards  
- Natural environment  
- Planning obligations

- Rural housing

### **Other Material Considerations**

- 7.7 West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) (2015)  
Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)  
Housing Trajectory 1 April 2017 (August 2017)  
Ashdon Parish Plan 2007

## **8. PARISH COUNCIL COMMENTS**

- 8.1 Objection. Concerns include:

- The site is located beyond the Development Limits for the village
- Harmful effect on the character of the area, including the adjacent conservation area
- There is no local need for the development

## **9. CONSULTATIONS**

### **Highway Authority (Essex County Council)**

- 9.1 No objections, subject to conditions.

### **Ecological Consultant (Place Services)**

- 9.2 No objections, subject to the use of a condition. Extract:

"I have reviewed the Preliminary Ecological Appraisal Report (Green Environmental Consultants Ltd, August 2018) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, particularly hedgerows and identification of proportionate mitigation.

I am satisfied that there is sufficient ecological information available for determination

This provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. I support the reasonable biodiversity enhancements that should also be secured by a condition on any consent.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The mitigation measures identified the Preliminary Ecological Appraisal Report (Green Environmental Consultants Ltd, August 2018) should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species particularly boundary hedgerow and trees.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim."

## **Stansted Airport**

- 9.3 No objections.

## **10. REPRESENTATIONS**

- 10.1 Neighbours were notified of the application by letter, and notices were displayed near the site. The following concerns have been raised among the submitted representations:

- 1) The site is located beyond the Development Limits for the village
- 2) Harmful effect on the character of the area, including the adjacent conservation area
- 3) Potential harm to trees that are the subject of a Tree Preservation Order (TPO)
- 4) Loss of valuable agricultural land
- 5) Lack of sustainable transport options
- 6) The proposed access would be unsafe
- 7) Increased risk to pedestrian safety
- 8) Increased damage to the road surface
- 9) Loss of amenity for neighbouring residents as a result of reduced privacy and daylight, lost outlook, noise and light pollution
- 10) Increased risk of surface water and groundwater flooding
- 11) Loss of biodiversity
- 12) Inadequate infrastructure e.g. drainage, sewerage, infrastructure
- 13) Adverse effect on land stability at Little House
- 14) Approval would set a precedent for further residential development

- 10.2 A letter of support has also been received, which cites the benefits to the village from new residential development.

- 10.3 The following comments are made in relation to the above concerns:

- 1) – 12) Covered in the below appraisal.

- 13) The site is not in an area identified as at risk of subsidence. The Building Regulations approval process would ensure the structural soundness of any new buildings.

- 14) Future applications would be determined on their own merits.

## **11. APPRAISAL**

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

- |   |  |
|---|--|
| A | Location of housing (S7, H1, 78-79 & PPG)                                    |
| B | Character, appearance and heritage (S7, GEN2, ENV2, 127, 170, 189-196 & PPG) |
| C | Transport (GEN1, GEN8 & 102-111)   |
| D | Accessibility (GEN2, 127 & PPG)  |
| E | Amenity (GEN2, GEN4 & 127)   |
| F | Flooding (GEN3, 155-165, PPG & SFRA)   |
| G | Infrastructure (GEN6 & PPG)  |
| H | Biodiversity (GEN7, 175 & PPG)   |
| I | Agricultural land (ENV5 & 170)   |

- J Affordable housing (H9 & PPG)
- K Housing mix (H10 & SHMA)
- L Housing land supply (11 & 73)

**A Location of housing (S7, H1, 78-79 & PPG)**

- 11.1 The site's location beyond the Development Limits for Ashdon ensures that residential development would not accord with Local Plan policies on the location of housing. However, its position adjacent the built-up area of the village ensures compliance with the more up-to-date policy at paragraphs 78-79 of the NPPF.

**B Character, appearance and heritage (S7, GEN2, ENV2, 127, 170, 189-196 & PPG)**

- 11.2 Residential development on an open agricultural field would inherently harm the rural character of the area. However, it is considered that the level of harm in this instance would be limited. The development would fill a gap between housing to the north and the various agricultural and other buildings to the south, and it would be positioned opposite existing housing lining the eastern side of Radwinter Road. Overall, it is considered that the site gives the impression of forming part of the village rather than the surrounding countryside.
- 11.3 The matters of scale, layout, appearance and landscaping are reserved but the indicative site layout and street scene drawings demonstrate that four detached houses could fit comfortably on the site, in a way that could appear compatible with the appearance of neighbouring properties. A mature tree at the front of the site is not protected by either a Tree Preservation Order (TPO) or conservation area designation but its retention would appear to be both feasible and a desirable component of any landscaping proposals that would be fully assessed at the Reserved Matters stage.
- 11.4 It is acknowledged that the site is located adjacent the Ashdon conservation area. The proposed houses could be visible from the conservation area, and could therefore affect its setting. Nevertheless, it is considered that any impact would be very limited due to the position of the access at the furthest end of the site and the potential to minimise the visual impact of the development through appropriate design and landscaping.
- 11.5 It is concluded that development of the site would inherently cause limited harm to the character of the countryside, in conflict with Policy S7 and paragraph 170 of the NPPF. However, there would be no conflict with policies on the design of development or effects on heritage assets.

**C Transport (GEN1, GEN8 & 102-111)**

- 11.6 It is acknowledged that the occupants of the proposed dwellings would realistically need to use a car to access most services, facilities and employment, in conflict with the sustainable transport objectives of Policy GEN1. However, the proposal accords with the more up-to-date policy at paragraph 103 of the NPPF, which encourages a flexible approach that takes account of other policies for rural areas. It is therefore concluded that paragraphs 78-79 (discussed above) provide the key policy for the location of small-scale rural housing.

- 11.7 Taking into account the comments of the highway authority, it is considered that there would be no adverse effects on road safety or capacity as a result of the development. An initial objection from the highway authority was removed following the submission of revised plans that demonstrate adequate visibility splays.
- 11.8 The indicative site layout demonstrates that there would be ample space on the site to ensure compliance with the Council's minimum residential parking standards.

**D Accessibility (GEN2, 127 & PPG)**

- 11.9 Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' require compliance with the Lifetime Homes standards. However, these standards have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Compliance with these requirements could be secured using a condition.

**E Amenity (GEN2, GEN4 & 127)**

- 11.10 Taking into account The Essex Design Guide, a non-adopted but useful guidance document, it is considered that the proposed rear gardens would be of a suitable size, and that there would be no significant adverse effects on the amenity of neighbouring premises with respect to daylight, privacy or overbearing impacts. Furthermore, the proposed residential land use and the position of the vehicular access ensure that there would be no significant nuisance to neighbours. It is therefore concluded that the proposal accords with the above policies insofar as they relate to amenity.

**F Flooding (GEN3, 155-165, PPG & SFRA)**

- 11.11 Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The SFRA confirms that the site is not in an area at risk of flooding and, as the development is for less than 10 dwellings, national policy does not require the use of a sustainable drainage system. It is therefore concluded that the proposal would not give rise to any significant adverse effects with respect to flood risk, such that it accords with the policies in the NPPF and PPG.
- 11.12 It is noted that concerns have been raised among the submitted representations regarding the effectiveness of the proposed drainage arrangements. This would be ensured through the separate Building Regulations approval process.

**G Infrastructure (GEN6 & PPG)**

- 11.13 Taking into account the nature and scale of the development, and the above consultation responses, it is considered that there would be no requirement for improvements to off-site infrastructure. It is therefore concluded that the proposal accords with Policy GEN6.

## **H Biodiversity (GEN7, 175 & PPG)**

- 11.14 Taking into account the comments of the Council's ecological consultant, it is considered unlikely that the development would have significant adverse effects on any protected species or valuable habitats. It is therefore concluded that the proposal accords with the above policies.

## **I Agricultural land (ENV5 & 170)**

- 11.15 Policy ENV5 seeks to prevent significant losses of the best and most versatile (BMV) agricultural land, and paragraph 170 of the NPPF has a similar objective. While the site is classified as Grade 3, which is regarded as BMV land, the development would not represent a significant breach of these policies because the land is small in agricultural terms and the high quality of land across the majority of the District means that some loss is inevitable.

## **J Affordable housing (H9 & PPG)**

- 11.16 Policy H9 and its preamble form the basis for seeking affordable housing provision from new residential developments. In this case, the policy indicates that the proposal need not make a contribution.

## **K Housing mix (H10 & SHMA)**

- 11.17 Policy H10 requires developments of three or more dwellings to include a significant proportion of small market dwellings with two or three bedrooms. Compliance with this policy would be ensured in the determination of any subsequent application for the approval of reserved matters.

## **L Housing land supply (11 & 73)**

- 11.18 Paragraphs 11 and 73 of the NPPF describe the importance of maintaining a five-year supply of deliverable housing sites. 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.

## **12. CONCLUSION**

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

- A** The proposal does not accord with the development plan due to conflicts with policies on the location of housing, countryside character, sustainable transport and agricultural land.
- B** Notwithstanding the above, it is concluded that the proposal represents 'sustainable development' in the context of the NPPF. The tilted balance at paragraph 11 is engaged because relevant policies for the supply of housing, including the associated site allocations and Development Limits, are out of date. In this case, the limited adverse effect on countryside character and negligible loss of BMV agricultural land would not significantly and demonstrably outweigh the benefits from the proposal's contribution

towards housing land supply.

- C** Taking into account the more up-to-date nature of the NPPF with respect to the determining issues, it is considered that the lack of accordance with the development plan is overridden in this instance. Regard has been had to all other material considerations, and it is concluded that planning permission should be granted.

## **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 development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.  
  
REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
4. Prior to commencement of the development, details of the areas within the curtilage of the site to be used for loading, unloading, reception and storage of building materials, and manoeuvring of all vehicles including construction traffic, must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved details.  
  
REASON: To ensure that the highway is not obstructed during the construction period, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.
5. Prior to occupation of any dwelling, the access at its centre line must be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres, as measured from and along the nearside edge of the carriageway, as shown on Drawing No. HF/3 Rev B (dated 17/07/2018).



Such vehicular visibility splays must be provided before the access is first used by vehicular traffic.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the public highway, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

6. Prior to occupation of any dwelling, the private driveway hereby permitted must be constructed to a width of 5 metres for at least the first 6 metres from the back of the carriageway.

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 accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

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

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

9. The development must be carried out in accordance with the ecological mitigation and enhancement measures and/or works recommended in the submitted Preliminary Ecological Appraisal Report (Green Environmental Consultants Ltd, August 2018).

These include retaining hedgerows, due diligence regarding nesting birds, bat sensitive lighting, installation of bat and bird boxes, permeable boundaries and the use of native planting.

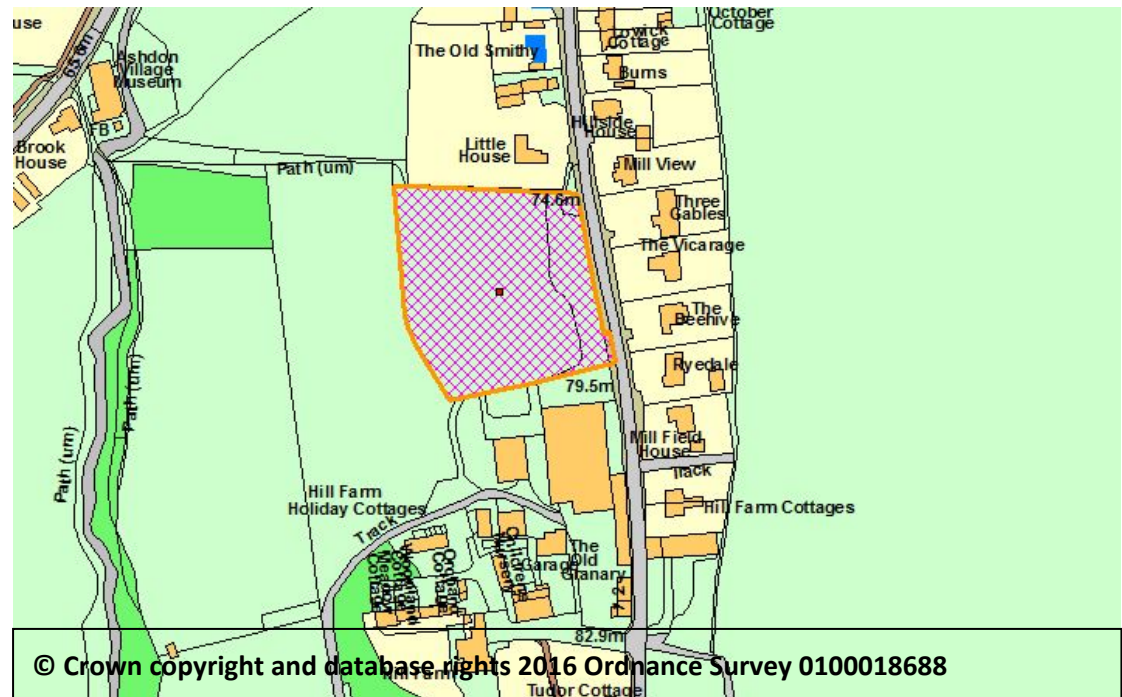
REASON: To conserve and enhance biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

10. The dwellings hereby permitted must be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

Application: UTT/14/1429/OP

Address: Land to the West of Radwinter Road, Ashdon



Organisation: Uttlesford District Council

Department: Planning

Date: 31/08/2018