

UTT/18/1811/FUL - HENHAM

(Called in by Councillor Lees - countryside S7,
Impact on the Conservation Area and listed buildings.)

PROPOSAL: **Erection of three new dwellings on the land to the rear of Bell House, including the demolition of the existing garage for Bell House and its replacement as an extension to Bell House**

LOCATION: **The Bell House, High Street, Henham, CM22 6AR**

APPLICANT: **Mr Martin Gay**

AGENT: **Mr Peter Stollery**

EXPIRY DATE: **30th August 2018**

CASE OFFICER: **David Gibson**

1. NOTATION

1.1 Outside development limits, adjacent to conservation area

2. DESCRIPTION OF SITE

2.1 Bell House is located on the High Street in Henham. It is within a conservation area and is beyond the defined development limits. To the rear of Bell House there is a large paddock which is situated outside of the conservation area.

2.2 Dwellings are located to the east of the site. Agricultural land is located to the north and west of the site.

3. PROPOSAL

3.1 The application seeks consent to demolish the existing detached garage for Bell House to provide space for a new driveway which will provide access to three new dwellings located in the paddock to the rear of Bell House.

3.2 The application also includes for a replacement garage for Bell House as an extension to the side of the existing property.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 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.

5. APPLICANT'S CASE

5.1 See Design and Access Statement

6. RELEVANT SITE HISTORY

6.1 None relevant to this application

7. POLICIES

7.1 National Policies

- National Planning Policy Framework

Uttlesford Local Plan (2005)

7.4 Uttlesford Local Plan (2005)

- S7: Countryside
- GEN1: Access
- GEN2: Design
- GEN7: Nature Conservation
- GEN8: Vehicle Parking Standards
- ENV1: Design of Development within Conservation Areas
- ENV2: Development affecting Listed Buildings

8. TOWN / PARISH COUNCIL COMMENTS

8.1 Object to the development on the following grounds –

- Outside the settlement boundary
- Henham is designated as one of the ‘other villages’
- Since 2011 Henham has already delivered 70 dwellings
- Contrary to Policy S7. Does not protect or enhance the countryside
- Is not infilling
- Contrary to Pre-submission Local Plan
- Impact on conservation area
- Loss of residential amenity due to new driveway
- Loss of privacy

9. CONSULTATIONS

Essex County Council Highways

9.1 No objections to the development subject to conditions relating to the laying out of parking areas and not laying unbound materials within 6 metres of the highway boundary.

Essex County Council Place Services Ecology

9.2 No objection subject to securing biodiversity mitigation and enhancement measures. This can be conditioned on any approval.

10. REPRESENTATIONS

10.1 Neighbours were notified of the application by letter, and notices were displayed near the site and in the local press. The following concerns have

been raised in the submitted representations:

- Development on greenfield land
- Set an undesirable precedent
- It is not part of the new local plan
- Loss of privacy
- Loss of views
- Within the conservation area
- Impact on listed buildings
- Too much traffic for the village
- Site is a money making scheme
- Backland development
- No space for landscape buffer
- Does not meet privacy distances
- Development would be excessive for the plot
- Development would be excessive for the village
- Increase noise and disturbance
- Contrary to Historic Settlement Character Assessment August 2007

11. APPRAISAL

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

A Whether the proposal is acceptable in this location (NPPF and ULP policies S7, GEN2,)

B Scale and whether the proposal would impact on neighbours amenity (GEN2)

C Biodiversity (GEN7)

D Access, parking and Highway Safety (GEN1 and GEN8)

E Impact on character and setting of Conservation Area and Listed Buildings (ULP policies ENV1 and ENV2)

A Location of housing (S7, GEN2; NPPF)

- 11.1 The site is located outside of the development limits as defined within the adopted Local Plan (2005). Policy S7 specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. There will be strict control on new building.
- 11.2 Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. An assessment of the compatibility of Policy S7 with the NPPF has concluded that this policy is partially consistent. It complies with one of the core planning principles set out in paragraph 170 of "recognising the intrinsic character and beauty of the countryside".
- 11.3 Whilst Policy S7 has a strict control on new building the NPPF does support well designed buildings to support sustainable growth and expansion. S70 (2) of the Town and Country Planning Act 1990 states that "in dealing with a planning application the local planning authority shall have regard to the provisions of the Development Plan so far as is material to the application and to any other material considerations". S38 (6) of the Planning and Compulsory

Purchase Act 2004 states 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.

- 11.4 The preamble to Policy S7 sets out examples of development that may be permitted in principle, including affordable housing and other facilities to meet local community needs. Policy S7 also permits infilling and paragraph 6.14 of the Local Plan states that there is no specific policy on infilling outside development limits. Infilling will be permitted if there are opportunities for sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements where they would be in character with the surroundings and have limited impact on the countryside in the context of existing development.
- 11.5 In this instance the site cannot be considered infilling. The land forms part of the garden and paddock area to a dwelling located at the far eastern edge of the village. This proposal would be extending the built form further into the countryside, which would be out of character and resulting in an adverse impact on the countryside.
- 11.6 National Planning Policy Framework states 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 5-year supply of deliverable housing sites.
- 11.7 The Council cannot demonstrate a deliverable 5 year supply of housing land. Notwithstanding this applications have to be considered against the guidance set out in Paragraphs 7 - 14 of the NPPF. The Council needs to continue to consider, and where appropriate, approve development which is sustainable and meets its housing objectives.
- 11.8 As such it is therefore necessary to consider whether the proposals represent sustainable development in accordance with the NPPF. The NPPF sets out three dimensions to sustainable development. The three strands of sustainability must not be considered in isolation as they are mutually dependent. The three strands are economic, social and environmental.
- 11.9 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. In economic terms the proposal would have short term benefits to the local economy as a result of construction activity and additionally it would also support existing local services, as such there would be some positive economic benefit.
- 11.10 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. The proposal would make a contribution towards the delivery of the housing needed in the district. The proposal would provide additional houses to Henham and these would be large family houses. As stated above, Henham has very limited facilities with a small village shop, a public house and a primary school.

Given the location of the site the occupants of the proposed dwellings would be mostly reliant on a car in order to access a wider range of shops, schools, community services and facilities. The proposal would provide a small contribution to the council's housing supply.

- 11.11 Environmental: The site is well screened by the existing vegetation on the boundary of the site. Where views of the site are possible from the north and west the properties would be seen against the back drop of existing houses. The properties would not be isolated in the open countryside and would not create an incongruous feature when viewed as a whole. It is considered that there would be very little impact on the character of the area given that the backdrop of the existing dwellings and the screening already afforded to the site. . Furthermore, the modest scale of the development and its low height lessens further any such impact.
- 11.12 It is considered that the weight to be given to the requirement to provide a 5 year land supply and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7. The site is relatively sustainable and therefore, in balancing planning merits, taking into account the benefits of the proposal it is considered that the principle of three dwellings on this site, is acceptable.

B Scale and whether the proposal would impact on neighbours amenity (GEN2)

- 11.13 The proposed dwellings are of a relatively large scale comparable with a number of the dwellings to the south and east of the application site. Each dwelling would be set within generous plot. The design and scale of the dwellings are relatively traditional, with materials consisting of render, red brick and handmade clay pantiles. The footprint of the dwellings take inspiration from the footprints of a number of neighbouring properties with small offshoots from the front and rear elevations giving a more traditional and less modern appearance to the dwellings.
- 11.14 Each dwelling will include an amenity area of in excess of 70sqm which meet the criteria as set out in the Essex design Guide and it would be compatible with the context of the site and neighbouring area. As such it is considered the overall scale, design, appearance and layout of the proposed dwelling is acceptable under ULP Policy GEN2 and the NPPF.
- 11.15 Several objections have been received which have expressed concerns about loss of privacy, overlooking, overshadowing and overbearing development. The agent has stated that the paddock site boundaries are currently well enclosed by established hedgerows and mature trees and that many of the neighbouring properties do not currently have clear views of the site from their buildings due to the existing vegetation and trees as well as the distances their properties are set back from their own rear boundaries. This was verified by the Case Officer on a site visit to the paddock.
- 11.16 The proposed dwellings have been designed and positioned in the site in such a way as to minimise the possibility for overlooking and to minimise any potential for the creation of an overbearing impact. The closest point of the proposed dwellings to the existing properties is the single storey utility room of

Plot 3 which will be 25.8m from the single storey extension to the rear of Appleoak. The distances separating the dwellings from the neighbouring dwellings are in excess of the guidance laid out in the Essex Design Guide.

- 11.17 Concerns have also been raised over the potential for an increase in noise and disturbance to residents of Datchet Mead and Bell Cottage due to the creation of a new access. Whilst it is agreed that the new access would lead to vehicles driving beside a dwelling that previously did not have any traffic, this small increase is not considered sufficient to warrant refusal of the application. The Council's Environmental Health Officer has been consulted on the application and has offered no objections.
- 11.18 The layout of the site indicates that there would not be any adverse loss of amenity to the occupiers of the neighbouring residents. Concerns such as loss of view are not a material planning consideration. In addition there would not be any significant adverse loss of amenity due to overlooking, overshadowing or overbearing between the proposed dwellings and the adjacent dwellings. The scheme is therefore in accordance with Policies GEN2, GEN4 and the standards set out in the Essex Design Guide

C Biodiversity (GEN7; NPPF)

- 11.19 Policy GEN7 seeks to protect wildlife, geological features and protected species and their habitats. Development that would be harmful to these elements will not be permitted. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.
- 11.20 In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. A Biodiversity Questionnaire has to be submitted by the applicant of any application to assess the likely presence of protected species within or in close proximity to the application site
- 11.21 Accordingly specialist ecology advice has been sought from Essex County Council Place Services Ecology. They have no objections subject to conditions being complied with. The development is therefore considered to accord with Policy GEN7.

D Access, parking and Highway Safety (GEN1 and GEN8)

- 11.22 Policy GEN1 requires development to have access to the main road network which must not compromise road safety. The proposal looks to use the existing access onto High Street. Essex County Council Highways Department have assessed the access and consider it to be acceptable. The increase in traffic using the access would be minimal and would not have an adverse impact on highway safety.

11.23 Policy GEN8 requires development to provide the number, design and layout of parking spaces in accordance with the current adopted standards. The proposed parking levels are considered to be acceptable for dwellings of this size. Again, Essex County Council Highways Department have assessed the access and consider it to be acceptable.

It is therefore considered that the scheme would not lead to an increase in on street car parking nor would it have an adverse impact on the highway network, in accordance with Policies GEN1 and GEN8 of the adopted local plan.

E Impact on character and setting of Conservation Area and Listed Buildings (ULP policies ENV1 and ENV2; NPPF)

11.24 Representations have been received raising concerns in relation to the nearby Listed Buildings to the south and the conservation area to the south. The proposed dwellings are located over 50 metres from these listed buildings. The site is physically divorced from the listed buildings by the mature trees and existing boundary treatment.

11.25 The southern edge of the paddock, where the three new houses are proposed, is 65m back from the edge of the High Street. The site is well screened from the conservation area to the south and due to the existing houses and landscaping and so the setting of the conservation area and the neighbouring listed buildings would not be significantly affected.

11.26 It is considered that the proposal would not adversely affect the setting of the Conservation Area or the neighbouring Listed Buildings and would comply with ULP policies ENV1 and ENV2.

12. CONCLUSION

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

- A Whilst the proposal is contrary to Adopted Uttlesford Local Plan Policy S7, it is considered that the proposals represent a sustainable form of development and therefore comply with the policy thrust of the NPPF.
- B The layout of the site indicates that there would not be any adverse loss of amenity to the occupiers of the neighbouring residents. In addition there would not be any significant adverse loss of amenity due to overlooking, overshadowing or overbearing between the proposed dwellings and the adjacent dwellings. The scheme is therefore in accordance with Policies GEN2, GEN4 and the standards set out in the Essex Design Guide
- C Specialist ecology advice has been sought from Essex County Council Place Services Ecology. The development would not impact on any protected species. The development is therefore considered to accord with Policy GEN7.
- D The scheme would not lead to an increase in on street car parking nor would it have an adverse impact on the highway network, in accordance with Policies GEN1 and GEN8 of the adopted local plan.

- E It is considered that the proposal would not adversely affect the setting of the Conservation Area or the neighbouring Listed Buildings and would comply with ULP policies ENV1 and ENV2.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

- 2 Prior to the erection of the development hereby approved permitted of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

JUSTIFICATION: This pre-commencement condition is required to ensure appropriate materials are used for the development.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped and in the interests of the amenity of the occupiers of adjoining dwellings and buildings in accordance with the NPPF and Uttlesford Local Plan Policy GEN2.

- 4 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.

- 5 All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained the Ecological Appraisal Report as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This shall not be changed with prior written approval from the local planning authority.

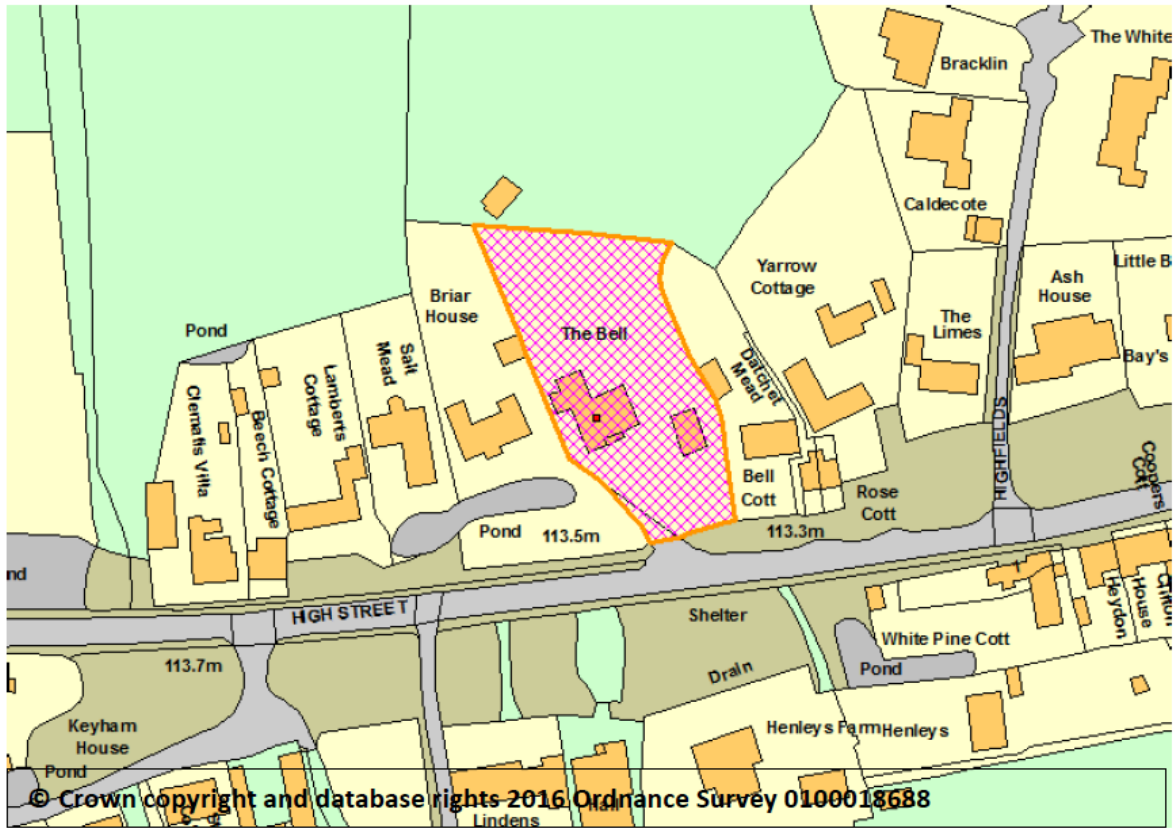
REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and in accordance with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

- 6 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided and in accordance with ULP Policies GEN1 and GEN8

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with the Local Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.



Organisation: Uttlesford District Council

Department: Planning

Date: 11 December 2018