

Jonathan Doe

Delegated Officer Report Recommendation–

Application number: UTT/19/1366/FUL

Proposal: Demolition of garage and erection of 1 no. detached dwelling with new vehicular access

Site Address: 1 Park Cottages Littley Park Lane Felsted CM3 1LA

Applicant: Mr Craig Huber

Target Date: 19th July 2019

Expiry Date: 2nd August 2019

Extension of Time Date:

Planning Policies:

Policy	Local Plan	Local Plan Phase
S7 - The Countryside	Uttlesford Local Plan 2005	
GEN1 - Access	Uttlesford Local Plan 2005	
GEN2 - Design	Uttlesford Local Plan 2005	
GEN3 - Flood Protection	Uttlesford Local Plan 2005	
GEN4 - Good Neighbours	Uttlesford Local Plan 2005	
GEN7 - Nature Conservation	Uttlesford Local Plan 2005	
GEN8 - Vehicle Parking Standards	Uttlesford Local Plan 2005	
Uttlesford Local Parking Standards		
EDG - Essex Design Guide		
ECP - ECC Parking Standards (Design & Good Practice)September 2009		
SPD2 - Accessible homes and playspace		
SP1 - Presumption in Favour of Sustainable Dev	UDC Local Plan Emerging (Reg. 19 (20))	

SP10 - Protection of the Countryside	UDC Local Plan Emerging (Reg. 19 (20))	
H10 - Accessible and Adaptable Homes	UDC Local Plan Emerging (Reg. 19 (20))	
TA1 - Accessible Development	UDC Local Plan Emerging (Reg. 19 (20))	
D1 - High Quality Design	UDC Local Plan Emerging (Reg. 19 (20))	
D8 - Sustainable Design and Construction	UDC Local Plan Emerging (Reg. 19 (20))	
EN7 - Protecting and Enhancing the Natural Environment	UDC Local Plan Emerging (Reg. 19 (20))	
EN10 - Minimising Flood Risk	UDC Local Plan Emerging (Reg. 19 (20))	
EN11 - Surface Water Flooding	UDC Local Plan Emerging (Reg. 19 (20))	
NPPF3 - National Planning Policy Framework 3		

Planning History:

Reference No.	Proposal	Decision	Decision Date
UTT/17/2710/FUL	Demolition of outbuildings and the erection of 2 no. dwellings together with new access	Withdrawn	31st January 2018
UTT/18/2103/FUL	Erection of 1 no. dwelling	Refuse	26th September 2018
UTT/19/0527/FUL	Demolition of garage and erection of 1 no. detached dwelling	Refuse	31st May 2019

Neighbour Responses:

Neighbour Consultations	Contributors	Representations
14	2	0

Consultee Responses:

Consultee	Comments
County Planner - Archaeology Section (ECC)	<p>RECOMMENDATION: Trial trenching and excavation "No development or preliminary groundworks of any kind shall take place until the applicant has secured and undertaken a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority."</p> <p>The Essex Historic Environment Record shows that the proposed development lies in a sensitive area of known archaeological remains towards the east of TD Ridley and Sons Brewery at Hartford End (EHER 15139). Previous excavation on the brewery site revealed prehistoric finds and features dating from the Bronze and Iron Age and a medieval pit. There is therefore the potential for Bronze Age, Iron Age and medieval archaeological remains within the proposed development area.</p> <p>A recognised professional team of archaeologists should undertake the archaeological work. The work will consist of the excavation of an archaeological trial trench in the area of the proposed groundworks which will be expanded if archaeological deposits are identified. The District Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief can be produced from this office detailing the work required.</p>
Parish Council	<p>Objection. Two recent applications for a dwelling on this site have been refused. The issues related to sustainability have not changed. There are also privacy issues for No 1 and No 2, with the new dwelling looking straight across their gardens. The PC believes that, given the parking area is being cut into a high bank, then the claimed visibility splays are not feasible.</p>
Education & Highways (ECC)	<p>From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:</p> <ol style="list-style-type: none"> 1. As far as can be determined from the submitted plans the applicant does not appear to control sufficient land to provide the required vehicular visibility splays of 2.4 x 120 metres. The lack of such visibility would result in an unacceptable degree of hazard to all road users to the detriment of highway safety. 2. The proposal would lead to the creation of an access on B1417, a stretch of Secondary Distributor highway where the principal function is that of carrying traffic freely and safely between centres of population. The slowing and turning of vehicles associated with the use of the access would lead to conflict and interference with the passage of through vehicles to the detriment of that principal function and introduce a further point of possible traffic conflict to the detriment of to

	highway safety. Therefore this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1.
ECC Ecology Advice	Place Services ecology comments 1 park cottages UTT191366FUL no obj 220719 ZH.docx No objection subject to financial contribution for RAMS and biodiversity enhancements.

Officer Report

NOTATION:

Outside Development Limits.

DESCRIPTION OF SITE:

The site comprises part of the garden of No.1 Park Cottages, an extended two storey detached dwelling with associated residential curtilage which lies at the junction of the B1417 Chelmsford Road with Littley Park Lane. The former Hartford End Brewery lies opposite the site which has recently been converted to residential apartments with additional new dwellings built to the immediate north (Ridley Green). The River Chelmer runs close to the south of the site which forms the administrative boundary with Chelmsford City Council.

The curtilage of No.1 Park Cottages consists of sloping ground set mainly to lawn leading back up from the river and is enclosed onto the site's western boundary with the B1417 by a mature continuous hedgerow. Vehicular access into the site is gained from Littley Park Lane close onto the road junction, whilst a sizeable double garage with sheds which serve the existing dwelling stand behind a gravelled hardstanding between the dwelling and the road. The existing dwelling as extended is of tiled, rendered and white weatherboarded appearance.

DESCRIPTION OF PROPOSAL:

Demolition of garage and erection of 1 no. detached dwelling with new vehicular access.

The proposed house would be of one-an-a-half storey form. The design includes terracing the house into a slope of the land. The ridge of the proposed house would appear equal in height to the ridge of the existing pair of semi-detached houses. The design and access statement states that the appearance of the proposed building is intended to take the form of a subsidiary building, set within the topography of the site.

The proposed house would have four bedrooms.

This current application differs from one made previously in that a new vehicular access would be created onto the B1417. The access would be to a parking and manoeuvring area which could accommodate two cars and enter and exit the site in a forward gear. This changed element, in comparison to the previous application, is to overcome a problem with the previous application of the previously proposed parking arrangements having been such that cars would have had to reverse onto the highway.

ENVIRONMENTAL IMPACT ASSESSMENT:

Town and Country Planning (Environmental Assessment):

The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

APPLICANT'S CASE:

The application documentation includes a design and access statement; a protected species report; and, a copy of a letter from Place Services ecology referring to no evidence of bat presence having been found and, given the small-scale and limited scope of development, there being no further ecological considerations.

COMMENTS ON HISTORY:

The most recent application is considered the most relevant to the history.

CONSULTATION RESPONSES:

REPRESENTATIONS:

A site notice was posted. Letters of notification were sent to the occupiers of 14 neighbouring properties. Two representations have been received. The points raised have been summarised as follows:

- o New access cutting into the existing hedgerow on a very fast (40mph limit but often much faster) downhill and uphill stretch of B1417 is totally unacceptable.
- o Access creates precedent for development on the eastern side of the B1417 where there is none at present.
- o Would involve cutting through a large swathe of existing hedgerow
- o Proposed access would significantly blight and spoil our outlook.

COMMENTS ON REPRESENTATIONS:

The proposal is for development on previously developed land; it is considered that this proposal would not set a precedent for development on the eastern side of the B1417.

Other points are addressed below.

PLANNING CONSIDERATIONS:

The main issues are considered to be unchanged from those of the previous application with the single exception that landscape impact, due to the addition of a vehicular access, is now an aspect of design and appearance.

The main issues are:

- 1) Principle of development (NPPF, ULP Policy S7) and UDC Emerging LP Policy SP10 3.);
- 2) Whether proposed access arrangements would be acceptable (NPPF and ULP Policy GEN1);
- 3) Design and appearance / whether the development would provide adequate garden amenity provision for future occupants / donor dwelling. Landscape impact. (NPPF and ULP Policy GEN2);
- 4) Vehicle parking standards (NPPF and ULP Policy GEN8);
- 5) Impact of development on neighbouring amenity (NPPF and ULP Policies GEN2 and GEN4);
- 6) Nature conservation (ULP Policy GEN7);
- 7) Flood protection (ULP Policy GEN3)

1) The proposal is contrary to Policy S7 of the adopted Local Plan. Although within the parish of Felsted and although Felsted is a settlement listed in Policy H3, the site is outside any defined settlement limit. Policy H3 states that windfall sites will be permitted if they meet all of a number of criteria. Notwithstanding that the site is on a bus route, it is considered that the proposal does not meet a criterion requiring accessibility to services other than by car. The Felsted Neighbourhood Plan refers to most residents wanting extra bus services to nearby towns (page 8). It is not clear that the proposal would support local services. Policy SP10 of the emerging Local Plan requires the countryside to only be developed for uses which need to be located in the countryside. The proposal is contrary to H3.

Given that the site is not in a sustainable location, the proposal does not benefit from the presumption in favour of sustainable development.

The NPPF refers to the recognition of the "intrinsic character and beauty of the countryside" at paragraph 170. This wording is less restrictive than "protection" as required by Policy S7. At appeal Inspectors have been found to state that Policy S7 can be afforded only moderate weight. Nevertheless, the proposal does conflict with Policy S7.

With regard to the lack of an ability to definitively demonstrate a current five year land supply, paragraph 11 of the NPPF states at (d) where there are no relevant development plan policies, or the policies most important for determining the application are out-of-date (including housing, where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. In this particular case the main adverse impacts are considered to be those which could be summarised as allowing development

which is not sustainable development; allowing development contrary to the aim of promoting sustainable transport; not making effective use of land; not achieving a well-designed place when considered in the context of its setting; and, especially, failing to conserve or enhance the natural environment. Paragraph 170 of the NPPF refers to how planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (in a manner commensurate with their identified quality in the development plan). Policy S7 identifies the quality of land to which it relates as being countryside. The proposal would be at odds with this quality.

2) The local highway authority has confirmed in writing that the proposal is not acceptable. The proposal is contrary to ULP Policy GEN1.

3) The property would have a generous private amenity area and the host dwelling would retain an adequate private amenity area. The proposed house has been carefully designed by an Architect who seems familiar with the Essex Design Guide. The appearance of the design of the house itself is considered acceptable with regard to ULP Policy GEN2.

However, the proposal would, by enlarging built development and hardstanding and by resulting in some loss of a natural hedge, alter the intrinsic character of the site adversely impacting the character and appearance of the area. The proposed vehicular access would have a width of 6m, a significant size. The hardstanding behind would be some 10m deep. This element of the proposal would be noticeable and detract from the rural character of the site and its setting.

Policy S7 states that 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. There is no special reason why the development would need to be there. It is judged that the proposal would fail to protect the rural character of the site and represent erosion to the existing character of the broader setting of the locality.

Policy S7 also seeks to protect the countryside for its own sake. The proposal is contrary to this aspect of the policy.

4) Three parking spaces would be provided for the four-bedroom dwelling. Numerically this would be acceptable and has overcome a reason for refusal to the previous application. However, this has been done by creating an additional access onto a B road with consequent detriment to highway safety and appearance of the site and its setting. Nevertheless, the proposal is now acceptable with specific regard to Policy GEN8.

5) The design of the proposed dwelling has avoided overlooking of the host property and of 2 Park Cottages. No other residential property would be adversely affected. The setting and isolation distances from neighbouring property are such that there would be no adverse impact with regard to overbearing impact or loss of light. The proposal is considered acceptable with regard to ULP Policy GEN2 relating to loss of residential amenity and GEN4 relating to impact to neighbours. The vehicular access would have an adverse impact to the view from a neighbouring property but, being on the far side of the road and being by its

nature an open feature, would not have an effect on outlook that could reasonably form a reason for refusal.

6) The application is accompanied by a Bat Presence and Absence Survey Report (Brindle and Green, June 2018) which states that no evidence of bats was found at the site either within the outbuildings to be demolished or the site as a whole. ECC Ecology has no objection subject to securing a financial contribution towards visitor management measures at the Blackwater Estuary Habitats Sites and biodiversity mitigation and enhancement measures. Both are absent. This should therefore form a reason for refusal. The proposal is not acceptable with regard to Policy GEN7.

7) The site is shown on the government's flood risk map as lying within Flood Zone 1, i.e. representing the lowest risk of flooding. The corner of Chelmsford Road with Littley Park Lane is shown as lying within Flood Zone 2, i.e. representing a medium risk of flooding whereby this would mark the expected northern extent of any possible flooding from the River Chelmer in extreme conditions (known to historically flood at this location). However, the proposal site comprises rising ground from the corner junction and it is considered from this that the development would not be at risk of fluvial flooding or cause surface water displacement to the adjacent dwellings. Accordingly, the application is not required to be accompanied by a Flood Risk Assessment (FRA) and the development would not be contrary to ULP Policy GEN3.

Conclusion

RECOMMENDATION: REFUSAL

Conditions/Refusal Reasons

- 1 The erection of a new dwelling at this site would represent development at an unsustainable location, not within a settlement or other site boundary. The proposal is not one which needs to take place within the countryside and is considered inappropriate to the rural area in which it is set. There is no special reason why the proposed development needs to be at the site. As such, the proposal would be contrary to the provisions of the National Planning Policy Framework; contrary to the adopted Uttlesford Local Plan Policy S7; and, contrary to the Uttlesford Local Plan Regulation 19 version Policy SP10.
- 2 The proposal would be detrimental to highway safety and result in an unacceptable degree of hazard to all road users by reasons of an inability to provide the required vehicular visibility splays and the creation of an access on the B1417, a stretch of Secondary Distributor highway where the principal function is that of carrying traffic freely and safely between centres of population, leading to the slowing and turning of vehicles associated with the use of the road conflicting and interfering with the passage of through vehicles to the detriment of that principal function and introduce a further point of possible traffic conflict to the detriment of highway safety. As such the proposal is contrary to Policy GEN1 of the adopted Local Plan; Policy TA 1 of the

Regulation 19 Local Plan; and, Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 3 The proposal, by necessitating the creation of a vehicular access with an area of hardstanding and by the creation of built form on the site, would result in significant harm to the character and appearance of the area by urbanising the setting to the site. The proposal would detract from the rural character of the setting to the site. As such the proposal is contrary to Policies S7 and GEN2 of the adopted Uttlesford Local Plan; Policy SP 10 of the Regulation 19 Uttlesford Local Plan; and, the provisions of the National Planning Policy Framework.
- 4 The site is situated within the 22km zone of influence for the Blackwater Estuary SPA/Ramsar site. Natural England's advice is that impacts from new residential development should be minimised in such a context. The local planning authority has been advised that a financial contribution should be sought in line with the Essex coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Furthermore, specialist advice recommends, in order to deliver measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework, that biodiversity enhancement measures are necessary as part of the proposed development. In the absence of a financial contribution or specific measures addressing biodiversity, the local planning authority is of the opinion that the proposal would be detrimental to nature conservation and contrary to Policy GEN7 of the adopted Local Plan.

Informative(s):-

- 1 Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

As this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an ENFORCEMENT NOTICE [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an ENFORCEMENT NOTICE is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

As this is a decision to REFUSE planning permission for a HOUSEHOLDER (HHF) application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

As this is a decision to refuse planning permission for a MINOR COMMERCIAL application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

As this is a decision to refuse express consent for the display of an ADVERTISEMENT, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice (for those not specifically mentioned above).

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>

Plans

Plan Ref	Version	Received
2019-224-001		7th June 2019
2019-224-002		7th June 2019
2019-224-003 A		7th June 2019
DESIGN & ACCESS STATEMENT		7th June 2019
PROTECTED SPECIES REPORT		7th June 2019
BIODIVERSITY CHECKLIST		7th June 2019
LETTER FROM PLACE SERVICES		7th June 2019

Authorising Officer and date:

Karen Denmark
25.7.19