

UTT/0028/08/FUL - NEWPORT

Demolition of existing buildings and erection of 14 no. dwellings, access drive and related development

Location: Former Newport Highways Depot, Bury Water Lane. GR/TL 517-343

Applicant: David Wilson Homes

Agent: Strutt & Parker

Case Officer: Mr T Morton 01799 510654

Expiry Date: 11/04/2008

Classification: MAJOR

NOTATION: Inside Development Limit / Neighbouring Conservation Area

DESCRIPTION OF SITE: This was the Essex County Council Highways depot site, still in use at the time of the site visit in January 2008, and accommodated a number of storage workshop and office buildings as well as outdoor storage and parking. The site is set within an old quarry and lies partially below the general ground level. It is reasonably well contained by roads that bound it and has a remnant hedge along the western and northern sides. The site is visible from the approach down School Lane opposite, and when passing along Water Lane.

The surrounding area is a loose scatter of dwellings which do not make a coherent street scene, and the Newport Grammar School with its large number of buildings is the most prominent built feature in the general area.

The site is approx. 4590 square metres in extent.

DESCRIPTION OF PROPOSAL: Redevelopment to provide a housing estate with 14 dwellings.

APPLICANT'S CASE including Design & Access statement: The statement is available in full on file. It describes the site and surroundings and the proposal.

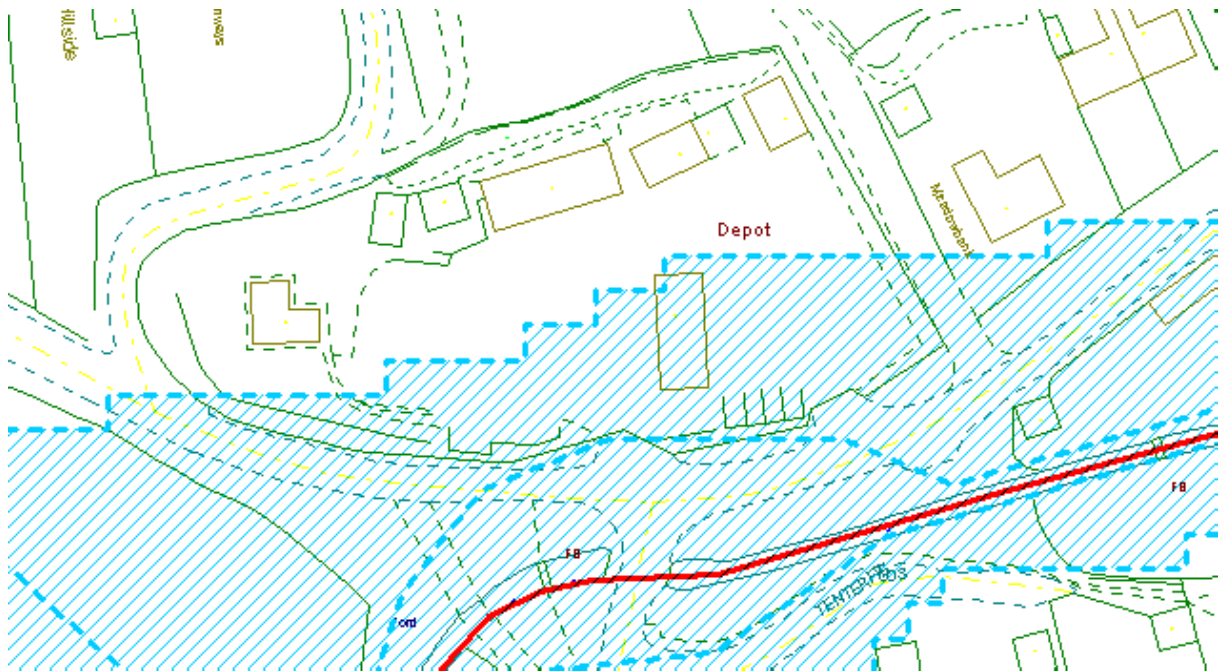
RELEVANT HISTORY: Members will recall this application was reported to the previous meeting on 19 March 2008 with a recommendation for Refusal. Members resolved to have the application reported back.

CONSULTATIONS: Council Engineer (Flood Risk): PPS 25, Published December 2006, requires that the risk-based Sequential and Exemption Tests are applied to all proposals within Flood Zones 2 and 3, other than householder development and alterations or non-residential development with a footprint less than 250m².

The aim of these tests is to steer new development to areas at the lowest probability of flooding (Zone 1). Where there are no reasonably available sites in Flood Zone 1, decision-makers identifying broad locations for development and infrastructure, allocating land in spatial plans or determining applications for development at any particular location should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should decision-makers consider the suitability of sites in Flood Zone 3, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.

Consequently, in a district such as Uttlesford, with only a very low percentage of land within Flood Zones 2 and 3, it is difficult to justify any development in these areas of medium or high flood risk and any such proposal is extremely unlikely to pass the Sequential Test. In the event that a proposal does not pass the test – or there is no evidence that the test has been applied – the Environment Agency will object on flood risk grounds, regardless of any Flood Risk Assessment submitted in support of the application. Indeed the Agency will not even evaluate the FRA in these circumstances.

Under PPS 25, the LPA must apply the Sequential Test although the developer is required to supply any evidence to support his application.



A large part of the EEC depot site in Newport lies within Flood Zone 2 as indicated by the cross hatching on the above plan. No Sequential Test was carried out on the site and therefore the Agency has objected to the proposal.

It is, however, worth noting that although the requirement for the Sequential Test came into being with the introduction of PPS 25 in December 2006, the Agency has only recently started requiring its implementation (possibly as a result of the flood events of June 2007). Since December 2006 we have processed a large number of applications for developments in Flood Zones 2 and 3 where the Agency have approved FRA's and not objected without requesting information on the Sequential Test.

In the event that a LPA approves an application where the Agency has an outstanding objection on flood risk grounds, the LPA is reported to the ODPM and "named and shamed".

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are as set out in the initial report. The following additional material needs to be considered.

- 1) **Affordable Housing (ULP Policy H9);**

- 1) A request was made at the previous meeting by Councillor Cant to clarify the affordable housing policy, and to clarify whether it had any flexibility to convert developments of under 15 houses.

The full text of the policy states;

Policy H9- Affordable Housing

The Council will seek to negotiate on a site to site basis an element of affordable housing of 40% of the total provision of housing on appropriate allocated and windfall sites, having regard to the up to date Housing Needs Survey, market and site considerations

The supporting text in the Local Plan states;

- 6.1. The percentage and type of affordable housing on any given site will be subject to negotiation at the time of a planning application, to allow issues of site size, sustainability and economics of provision to be considered. Within Great Dunmow, Saffron Walden and Stansted Mountfitchet, on sites of 0.5 hectares or of 15 dwellings or more 40% affordable housing will be negotiated. Where appropriate consideration will also be given to the provision of housing to meet special needs. The level of housing provision sought on a site should have regard to the Council's target for housing provision yet should not make the development unviable. Elsewhere in the District 40% affordable housing will be similarly sought on sites of 0.5 hectares or of 15 dwellings or more. There may however be smaller sites within the rural areas which could provide a useful contribution to the Council's supply of affordable housing. Appropriate sites should still be large enough to ensure a viable scheme and not lead to the provision of only 1 or 2 affordable units on a site which would lead to a fragmented approach to affordable housing in the rural areas.

This has usually been read as stating that the 40% requirement applies to developments of 15 dwellings or above, however the text also contains the words, "There may however be smaller sites within the rural areas which could provide a useful contribution to the Council's supply of affordable housing." This is believed to offer flexibility of approach that can encompass the provision of affordable housing on sites smaller than 15 dwellings.

The developer has therefore been asked to respond to a suggestion that the 14 house development should include 6 units of affordable housing its response will be reported.

CONCLUSIONS: If Members approve this application the following conditions are recommended.

CONDITIONS:

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.2. Details of materials to be submitted agreed and implemented.
4. C.8.27A Drainage details to be submitted agreed and implemented.
5. C.29.1. Flood risk management measures.
6. C.4.1. Scheme of landscaping to be submitted and agreed.
7. C.4.2. Implementation of landscaping.
8. C.4.6. Retention and protection of trees and shrubs for the duration of development.
9. C.8.23B Ground contamination.
10. C.8.29. Sustainable construction.

11. C.8.30. Provision of bin storage.
12. Condition for compliance with code level 3 (more than five dwellings)
The development as designed, specified and built shall achieve a 'Code for Sustainable Homes' rating of 'Level 3'. The applicant will provide the planning authority with a Code for Sustainable Homes pre-construction assessment of the rating of the proposed development, carried out by an accredited assessor, before work commences on-site. The developer will provide a Code for Sustainable Homes post-construction assessment of the rating of the as-built development when completed, also carried out by an accredited assessor.
13. Compliance with the 10% rule (developments of over five dwellings or greater than 1000sqm floor area)
The applicant shall incorporate on-site renewable or low-carbon energy technologies to provide 10% of the annual energy needs of the approved development in-use. The applicant will provide the planning authority with a design SAP or SBEM rating of the proposed development carried out by an accredited assessor before work commences on-site, as well as technical details and estimated annual energy production of the proposed renewable or low carbon technologies to be incorporated. The applicant will provide a SAP or SBEM rating of the as-built development and details of the proposed renewable or low carbon technologies incorporated once the development is completed.
14. C.28.2. Accessibility.
15. The parking spaces and garages hereby approved shall be used for the parking of vehicles only and for no other purpose including conversion into habitable accommodation.
REASON: To ensure that adequate off road parking provision is available for the houses hereby approved in the interest of road safety.
16. C.13.9. Hours of construction.
17. Prior to the commencement of demolition or construction works on the site, a method of cleaning the wheels of vehicles leaving the site shall be agreed in writing with the Local Planning Authority and this method shall be used to clean the wheels of vehicles leaving the site during the duration of the works on the site.
REASON: To prevent material being tracked out onto the highway in the interest of public amenity and highway safety.
18. Details of measures to consolidate and secure the slope of the land under the northern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority before commencement of development and shall be provided before occupation of any of the buildings hereby approved and shall be maintained in the approved form thereafter.
REASON: To secure this steep slope from collapse.
19. The development shall not be commenced until an Affordable Housing Scheme has been submitted to and approved in writing by the local planning authority. For the purposes of this condition, an Affordable Housing Scheme is one which:
 - a) ensures the provision of 6 of the permitted housing units specifically those on plots 3,7,8,9,10, and 12, as affordable housing intended to be occupied by persons in need as defined in the Affordable Housing Scheme, including housing for rent and shared equity but excluding low cost market housing and
 - b) secures the involvement of a Registered Social Landlord (as defined in the Housing Act 1996), and
 - c) provides affordable housing units of such types, sizes and mix as are appropriate to meet local need to a Registered Social Landlord on such financial and other terms as will ensure that such units will be capable of being let at affordable rents and
 - d) identifies a specified alternative arrangement (which may include low-cost market housing) in the event that the involvement of a Registered Social Landlord

has not been secured within such reasonable period as shall be specified in the approved Affordable Housing Scheme.

The Affordable Housing Scheme shall be carried out in accordance with its terms as approved. The affordable housing shall not be used for any purposes other than the provision of housing accommodation which meets the objectives of the Registered Social Landlord, provided that if, within the period identified under paragraph (d) above, the involvement of a Registered Social Landlord has not been secured in the terms of the Affordable Housing Scheme, the affordable housing may be used for the specified alternative set out in the approved Affordable Housing Scheme.

REASON: To ensure the development provides sufficient genuinely affordable houses, consistent with the Council's Housing Needs Survey.

Background papers: see application file.
