

**UTT/13/1769/OP (NEWPORT)**

(MAJOR APPLICATION)

**PROPOSAL:** Outline application for the erection of up to 84 houses of which 40% will be affordable, together with the provision of associated open space, a local area equipped for play (LEAP) and allotments and incorporating alterations to the width and alignment of Bury Water Lane, the provision of a new footway to the north of the Lane and alterations to the junction of the Lane with Whiteditch Lane and the provision of two passing places and a footway to School Lane.

**LOCATION:** Land At Bury Water Lane, Bury Water Lane, Newport

**APPLICANT:** Mr and Mrs D & MA Hill

**AGENT:** Sworders

**EXPIRY DATE:** 1 October 2013

**CASE OFFICER:** Alison Hutchinson

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**1. NOTATION**

1.1 Outside Development Limits. Newport Policy 1 – Bury Water Lane/Whiteditch Lane

**2. DESCRIPTION OF SITE**

2.1 The site is located on the northern side of Bury Water Lane and is currently in agricultural use with the northern part separated by a semi-mature native field hedge. The northern boundary is formed by an unmanaged native hedgerow, with paddocks/scrub land beyond and the property Bury Grove further to the north. The eastern boundary of the site is bounded by Whiteditch Lane, a narrow lane providing access to a number of residential properties with Branksome and Wyndhams Croft directly opposite the site on the eastern side of the Lane.

2.2 The site wraps around the redundant nursery, which forms part of the southern and eastern boundaries to the site. The Nursery has extensive glasshouses and is bounded by hedgerows. The site takes access from Bury Water Lane, a byway which runs along the southern boundary of the site. Wicken Water lies further to the south whilst to the west is further open agricultural land with the M11 motorway beyond.

2.3 The adjacent cucumber nursery is also the subject of a planning application for a care village (Ref: UTT/13/1817/OP) which is also before this Committee for consideration.

**3. PROPOSAL**

3.1 The application is in outline with all matters reserved except for access. The application proposes a residential development of up to 84 houses of which 40% will be affordable, together with the provision of associated open space, a Local Equipped Play Area (LEAP) and allotments. The application also proposes alterations to the width and alignment of Bury Water Lane within the vicinity of the site, the provision of a new footway along the northern side of the Lane and alterations to the junction of the

Lane with Whiteditch Lane. A new footway is proposed on School Lane. The application site boundary has been amended to incorporate the proposed works within Bury Water Lane. No access is proposed from Whiteditch Lane.

- 3.2 An illustrative layout is submitted with the application and shows the residential development served by an access off Bury Water Lane close to the eastern boundary of this part of the site. The layout retains the internal hedgerow which is incorporated within an area of open space. The development comprises houses which are served either with on-plot or adjacent plot car parking.
- 3.3 The western section of the site is located adjacent to the open agricultural land is to be provided as open space incorporating the LEAP, allotments and the attenuation pond. The illustrative layout has been amended to delete two bungalows in the northern corner to provide a consistent landscaped buffer along the entire western edge of the development.
- 3.4 The application provides 40% affordable housing and the applicants have confirmed that consideration has been given to the Council's policy of requiring clusters in no more than 10 affordable units. The proposal is for a mix of 1, 2, 3 and 4 bed units and all the houses will be of sufficient size to be designed to lifetime homes and bungalows will represent 5% of the scheme and will be wheelchair accessible.

#### **4. APPLICANT'S CASE**

- 4.1 Uttlesford have a shortfall in five year housing supply. The Council's latest Housing Trajectory and Five-Year Supply document published in Summer 2013 states that (with 5% frontloading) the district has a 3.6 year supply against the East of England Plan requirement of 430 dwellings per annum. However, demographic work carried out by Edge Analytics on behalf of the Essex Planning Officer's Association has returned a range of other potential indications of housing need and three of the scenarios show that Uttlesford can only show 3.2 years, 2.9 years and 3.7 years housing supply for the respective scenarios. When the evidence is considered, it suggests that Uttlesford have at least a 902 dwelling shortfall against the lower of these projections and if windfall is taken properly into account, the total shortfall equates to at least 967 dwellings (against the Interim Household Projections) i.e. the LPA can show only 3.1 years housing supply – assuming the assumptions on the delivery of sites within the trajectory are sound and assuming the selection of the interim household projections can also be considered to be sound.
- 4.2 As such Paragraph 49 of the NPPF should apply and applications should be considered in the context of the presumption in favour of sustainable development contained in the NPPF. The Local Authority is directed to grant consent unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits (paragraph 14 NPPF).
- 4.3 Newport is regarded as a sustainable location for growth. It has a range of amenity provision including primary and secondary schools, a GP surgery, convenience retail and small scale employment opportunities. There are a range of sports and leisure amenities. Nearby Saffron Walden provides a comprehensive range of higher order retail facilities as well as employment and leisure. Newport has both bus and rail services.
- 4.4 The subject site has been identified by the Local Authority as being suitable for housing development to meet the housing needs for the district over a 15 year period. The suitability assessment undertaken by Uttlesford scores the site green on all

accessibility measures regarding distance to facilities, other than in regard to distance to town centre/supermarket, for which it scores orange. However, Saffron Walden is accessible by bus from Newport, with a journey time of approximately 15 minutes.

- 4.5 Concerns have been raised regarding the walking distance from the site to the Primary School. Section 2.4 of the Transport Assessment considers pedestrian travel from the site and outlines that the Primary School (and other facilities) are within acceptable walking distances. However, the applicant is proposing the provision of a new footway along School Lane to provide a convenient route from the development towards the Primary School, which will also provide a link to the footway eastwards along the Wicken Road to the village centre.
- 4.6 The scale of development proposed is commensurate with the role of the settlement within the district's settlement hierarchy and the expansion of Newport is in principle as an environmentally, socially and economically sustainable strategy given this role.
- 4.7 The application is in outline but the site has been assessed against its contribution to the landscape and its relationship with neighbouring uses. The Landscape and Visual Impact Appraisal provides a comprehensive strategy concerning the form, layout and scale of the development which addresses the landscape issues raised. This strategy has formed the basis for the proposed layout of the site. This shows a significant landscaped buffer area to the western extent of the planning application area responding to the aspiration of the draft Newport Policy 1 as set out within the June 2012 draft Local Plan, which envisaged a significant landscape buffer along the western edge of the development. Whilst the March 2013 Position Statement, which restricted the extent of the site, made no mention of this buffer, the Landscape Appraisal underlines the importance of such a feature.
- 4.8 As a result of the approach to layout, form and scale adopted, the site does not provide the 100 houses envisaged by the Position Statement, but rather provides up to 84 dwellings, at a density and in an arrangement which aims to provide a 'green' development appropriate to the site's rural/urban fringe location.
- 4.9 The scheme provides 40% affordable housing to a tenure mix which has been agreed with the Local Authority. Full details of the affordable provision within the site are set out in the Affordable Housing Statement attached as appendix 2. Policy H10 of the adopted Local Plan requires that the site should include a significant proportion of market housing which comprises small properties. 57% of the houses on site are 3 beds or less. The indicative layout proposed provides sufficient space within the scheme for 100% of the houses to be designed to lifetime homes standards. 5% of the houses are bungalows and these are of a sufficient size to be the required 5% wheelchair accessible dwellings.
- 4.10 A full Transport Assessment is attached to this planning application and its recommendations have informed the design and layout within the scheme. Outside the site the highway works consist of alterations to Bury Water Lane and the provision of a new footway and passing bays on School Lane. The alterations to Bury Water Lane are within the extent of the highway, and will be deliverable via a section 278 agreement with the Highways Authority. The provision of the footway and passing bays along School Lane will need to be secured via a Section 106 agreement as the land is partly highway and partly within the ownership of the applicant.
- 4.11 The applicants have responded to the objections submitted by Newport Free Grammar School and advised that they engaged with NFGS prior to the submission of the planning application, meeting with them in May 2013. Furthermore, although the

technical highways position as set out in the Transport Assessment makes clear that in highways terms no improvements to Bury Water Lane are required, the applicants recognise that the community and the school consider that the crossing is potentially hazardous, whilst recognising that the congestion at morning and afternoon school peak times in practice provides self-generating traffic calming which contributes to lower vehicle speeds. The submitted Statement of Community Involvement outlines that in recognition of this concern the applicants will be entering into a Unilateral Undertaking for the provision of a substantial six figure sum for payment to the School on the earlier of the sale of the proposal site with planning consent for residential development or the implementation of the development on the proposal site. The Grammar School will be free to spend this sum in such a manner they consider appropriate, on schemes which address the road safety of the pupils and staff at NFGS.

4.12 The Agricultural Land Classification Maps show the site to be grade 2 agricultural land. However, the SHLAA looked at sites and classified them according to loss of best and Most Versatile agricultural land. Of the reasonable alternatives for development at Newport that do not comprise BMV agricultural land only two, NEW10 and 11, are considered 'suitable' for development, and in the case of these two sites the loss of BMV land would also occur. Overall, given the extent of BMV land in the district, the applicants do not consider that the loss of 6.1 ha of BMV land in a district which is 80% BMV is a factor which 'significantly and demonstrably' outweighs the benefits of meeting the district's need for housing in the context of the presumption in favour of sustainable development set out at paragraph 14 of the NPPF.

4.13 The additional supporting information accompanying this application confirms that all other matters such as Flood Risk, Ecology and Noise and Air Quality are all acceptable and appropriate mitigation can be incorporated into the design of the development. As such there are no factors which would suggest that impacts from delivering housing on the site would significantly and demonstrably outweigh the benefits of delivering housing on the site to meet the district's housing need. Given the current shortfall in housing provision within the district but also given the site's suitability to meet Uttlesford's housing requirement over the 15 year life of the new Local Plan, the applicants consider that this application should be approved.

## **5. RELEVANT SITE HISTORY**

No relevant history.

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework

### **6.2 Uttlesford District Local Plan 2005**

- Policy S7 – Countryside
- Policy GEN1 – Access,
- Policy GEN2 – Design,
- Policy GEN4 – Good Neighbourliness,
- Policy GEN5 – Light Pollution,
- Policy GEN7 – Nature Conservation,
- Policy GEN8 – Vehicle Parking,
- Policy ENV5 – Protection of Agricultural Land,

- Policy ENV12 – Protection of Water Resources,
- Policy ENV14 – Contaminated Land,
- Policy ENV15 – Renewable Energy,
- Policy H1 – Housing Development,
- Policy H3 – New Houses within Development Limits,
- Policy H9 – Affordable Housing,
- Policy H10 – Housing Mix,

#### **Supplementary Planning Documents**

- ECC Parking Standards (September 2009);
- Uttlesford Local Residential Parking Standards (February 2013)
- Energy Efficiency and Renewable Energy (October 2007)

### **6.3 Uttlesford District DRAFT Local Plan**

- Newport Policy 1 – Bury Water Lane/Whiteditch Lane

## **7. PARISH/TOWN COUNCIL COMMENTS**

### **7.1 Strongly Objects for the following reasons:**

- The application is premature, inadequate and, more generally, incomplete. Over recent years planning permission has been granted for a significant number of new dwellings therefore the village is already growing at an increasing rate.
- The proposed site is outside the village development limits and part of the conservation area.
- Bury Water Lane is 1.5km from the railway station and as it takes approximately 20 minutes to walk will lead to residents driving to the station which will have a serious impact on the parking problems which already exist in the village and could increase the number of traffic movements. This matter is incorrectly stated in the proposal.
- The Bury Water Lane site is too far from the Primary School. It takes approximately 25 minutes for a youngster to walk from the proposed site to the Primary School in Frambury Lane, crossing as many as five roads. Therefore the Council believes that residents will transport their children to school by car. There is no facility for dropping children off at school and Frambury Lane is already very heavily congested at school times. This is not acceptable to the Council. This matter is incorrectly stated in the proposal.
- The proposed site is remote and the distance from the site to all village amenities and facilities is unacceptable. There are no pavements or tarmac surfaces available from the site to the centre of the village for pedestrians, the less able, those with pushchairs or wheelchairs. The proposal is inadequate in this regard.
- There is already serious traffic congestion in Bury Water Lane; at school times 11 to 18 buses drop off and collect children from Newport Free Grammar School. Additional traffic from the development will cause further problems at school times, both during development and after development.
- If permission should be granted for this development there should be restrictions on the construction traffic, movement of soil, personnel and deliveries. This is extremely important because over 1,000 children attend Newport Free Grammar School in Bury Water Lane. The school is on a split site and the children use the pedestrian crossing in Bury Water Lane throughout the day.
- There is already serious congestion in Wicken Road and the Wicken Road /School Lane junction. The proposed development will only exacerbate the situation. Has there been a Swept Path Analysis for the coaches and large

vehicles turning into and out of this junction? The Council view this as a serious omission.

- No provision has been made for street lighting in School Lane. This is extremely important, particularly for pedestrians and has been completely overlooked.
- In view of the narrow roads the proposal is lacking any risk assessment in respect of Emergency vehicle access, especially during peak times. The Council views this as a serious omission
- The sewerage infrastructure in the village needs urgent improvement. There are no details in the application as to how the problems will be dealt with. It was agreed by the PC that no further properties should be built until the sewerage issues have been resolved satisfactorily. This matter was raised in our response to the Consultation in July 2012.
- The proposed development will have an impact on the Doctors' Surgery in the village. There are no details in the application as to whether the local surgery has been consulted. The Council views this as a serious omission.
- The proposed site would cause destruction to the current rural environment as it is on an open hill and highly visible. UDC would be contravening its own planning policy by not protecting the landscape and upland views. The Council views this as a serious matter.
- The proposal states that a village consultation was held which is incorrect. Two representatives from Sworders attended our Council meeting held on 3rd June. Only 30 residents of the village attended to raise questions, therefore this was not a consultation with the village.
- The Council requests that UDC note and deal with each one of the points made, and the officer makes a detailed analysis and response to our satisfaction.
- The Council gives notice that it intends to comment at the UDC Development Control Committee meeting on the proposal.

## **8. CONSULTATIONS**

### **ECC Highways**

8.1 No objections subject to conditions

### **ECC Education**

8.2 There is insufficient provision for Early Years and Childcare in the area and insufficient capacity at both Newport Primary School and Newport Free Grammar School. As a consequence additional provision will be required and the County Council requires contributions of £234,585 for Primary School provision, £237,585 for secondary school provision and £80,089 for early years and childcare, totalling £552,259.

### **ECC Ecology**

8.2 No objections.

### **Natural England**

8.3 No objection.

### **ECC Archaeology**

8.4 Required pre-decision investigations to be undertaken. However, the applicants have been in discussion with the County Archaeologist and have agreed that because the

site is currently under crops, it is unreasonable to carry out pre-application investigations at this time.

- 8.5 The County Archaeologist has therefore revised his recommendation and now requires a condition be imposed on any planning permission requiring archaeological trial trenching and excavation or preservation in situ.

### **ECC Environment**

- 8.6 Comment that the proposed illustrative Surface Water Drainage (drawing no. 615281/110/P1) appears to show surface water from the proposed roads and houses draining via an extensive piped drainage system into an attenuation basin before being discharged via a flow control device at pre-development greenfield rates to the existing ditch south of Bury Water Lane.
- 8.7 ECC Environment would ideally look for surface SuDS features to be used in the place of pipework, soakaways and underground storage structures as their performance is much easier to observe and maintenance is easier to undertake. We will be strongly promoting the management of rainfall at the surface and therefore the use of above ground SuDS features (e.g. swales, filter strips, basins, ponds and wetlands etc.) will be required rather than pipes, soakaways and underground storage structures, as these bring more benefits to the community in their amenity and biodiversity value as well as being easier/more economical to maintain and need not be more expensive to install. Also, we support the principle of drainage proposals which provide for limiting the runoff rates from the site to existing greenfield rates. Furthermore, provision should be made for managing exceedance flows up to the 1 in 100 year rainfall event with an (30%) allowance for climate change in such a manner so as not to have any significant flooding impact on properties and vulnerable structures.

### **Aerodrome Safeguarding**

- 8.8 No objections subject to the imposition of conditions relating to SUDs and a bird Hazard Management Plan.

### **NATS**

- 8.9 No Objections

### **Sport England**

- 8.10 No objections

### **Anglian Water**

- 8.11 No objections subject to conditions.

### **Environment Agency**

- 8.12 No objections

### **NHS Property Services Ltd**

- 8.13 Holding Objection. There is a capacity deficit in the catchment surgeries and a developer contribution of £28,000 would be required to mitigate the 'capital cost' to the

NHS for the provision of additional healthcare service arising directly as a result of the development proposal.

#### **UDC Housing Enabling Officer**

- 8.14 The development will require 34 affordable units (40%) and the mix and tenure split should be undistinguishable from market housing, in clusters of no more than 10 with good integration within the scheme and be predominantly houses with parking spaces.

#### **UDC Environmental Health**

- 8.15 The proposal to provide a footway along School Lane towards the primary school is welcomed as a positive measure to encourage non-motorised transport.

#### **UDC Access and Equalities Officer**

- 8.16 The new dwelling will need to meet the requirements of the SPD on Accessible Homes and Playspace. There is also a requirement for 5% of the dwellings to be meet the Wheelchair Housing Standard across all tenures. Access to open space, play space and the allotments will need to be designed to meet the needs of disabled residents.

#### **Local Ward Councillor - Councillor Jeremy Rose**

- 8.17 Objection for the following reasons:
- 1 There are no adequate footpath and cycle routes to and from the care home site, either from the station or from the village. With visitors, deliveries, and working shift patterns of staff, the traffic increase, and so pollution in and around the school area will be harmful to the environment, residents and restrict the traffic along Wicken Road, School Lane and Whiteditch Lane, as well as bringing additional traffic congestion along Cambridge Road and Belmont Hill.
  - 2 With a growing use of the school crossing at Belmont Hill, any additional traffic will be detrimental to the health and safety of Newport Free Grammar School children travelling to and from school during all hours of the day, especially peak journey times, which are about three or four times a day. 84 houses will mean at least 120 - 180 additional car journeys through very narrow access points into a busy high-street.
  - 3 Strain on existing utilities and infrastructure. 84 - 120 houses will consume and produce excessive waste into an already overloaded sewage and water system in Newport. The increase in usage is un-sustainable for the whole of Newport.
  - 4 Transport links. There are no bus or community transport links within 400 yards of the proposed development. This is not sustainable in terms of reducing car dependency and impact on traffic levels in and through Newport.

## **9. REPRESENTATIONS**

- 9.1 110 letters of objection have been received with 16 of the letters being sent by 2 people. The objections are summarised below:
- The site is located within a village with narrow roads which were not designed for large modern vehicles, commercial vehicles or large modern public transport nor the volume of modern traffic.
  - Bury Water Lane is subject to a lack of residential parking facilities with residents having to park on the road resulting in traffic congestion along Bury Water Lane. School buses have to park on the pavement to allow traffic to pass and results in residents and students from Newport Free Grammar School having to walk on the road.



- Development in the area would produce more traffic causing further congestion.
- Traffic issues extend to School Lane and Wicken Road. There is often congestion at the turning of Wicken Road into School Lane as buses have to pull out into the middle of the road due to residential parking in Wicken Road. This often causes tailbacks and sometimes requires that cars mount the pavement. Wicken Road is often congested at the junction with the High Street. This congestion results in wasted energy and increased emissions and frustration for residents and visitors.
- Heavy traffic already use Bury Water Lane.
- The development is too far from all existing amenities. Residents would need to drive everywhere causing more traffic chaos pollution and added risk of road traffic accidents in the village.
- Heavy construction traffic will cause damage to listed properties in Bury Water Lane
- People use the school facilities outside school times and create additional congestion and use of Bury Water Lane.
- Parts of Bury Water Lane have a relatively narrow pavement width so that the houses open up almost straight onto the road. More traffic will significantly impact the quality of life for existing residents and those that visit the area.
- The proposed alterations to the local highway network would be insufficient to address the additional traffic arising from the proposed housing development.
- Two different Highway schemes are proposed with this and the application for the care unit on the adjoining site.
- Whiteditch Lane should not be allowed to be used in the future.
- The proposed access would be visually intrusive.
- This development does not adequately address the three pillars of sustainability (economic, environment and people) and for the residents and village of Newport this is a poor development.
- The proposed site is very close to the M11 and future residents would have a reduced quality of living due to traffic noise.
- Newport does not have the infrastructure to support additional development, services, utilities, access, inconvenience, traffic noise, road/lane safety and the usual issues that come with a development of this size and nature.
- The information Anglian Water supplied to UDC's water consultants (Hyder Consulting (UK) Ltd, reporting in 2010 and 2012 and on the UDC website) said that Newport's system fails on all three key indicators. Anglian Water now contradicts its previous advice and states that there is spare capacity at Newport sewage works.
- To service this site, Anglian Water propose to cut a sewer across the gardens of the properties in Bury Water Lane and the main road. This would have a detrimental impact upon existing residents.
- UDC should revert to its single settlement policy and stop trying to ruin the quality of life in so many of Uttlesford's towns and villages.
- Visual impact of the development
- This site is presently greenfield and is in productive use by the farmer. Uttlesford should consider all brownfield sites before sanctioning the use of greenfield.
- Only one application should be approved and should not be for more than 84 homes throughout the village.
- The development should be reduced in size and should be located in a region around the High Street in Newport, especially near the station to allow other forms of transport to be used both now and in the future.
- The proposed application site exceeds the site area of the revised Newport 1 policy area but proposes a development of only 84 houses (rather than the 100 set out in the draft allocation).

- The development would result in a low density and would not make efficient use of this greenfield site. A well-landscaped scheme of 100 units could be developed in a more compact site area.
- The funds being provided to Newport Grammar School should be identified, transparent and costed as part of the proposal rather than as part of a unilateral undertaking.
- The proposed site layout on the adjacent land fails to take account of the potential for development of the adjacent glasshouses/cucumber site.
- The elevated position of the proposed development in relation to existing nearby dwellings will increase light pollution and noise which would have an adverse impact upon existing residents.
- This new development faces a nature reserve and Barn Owls, Hares, Deer, Muntjac, Pheasants, Hawks and other birds and animals that exist regularly transgress into the application site. The development would have a demonstrable impact on wildlife.
- This area was looked at for development by the UDC review and local residents were consulted. Development around Bury Water Lane and School Lane was categorically rejected by local residents and other sites identified as more suitable for development. What has changed for UDC to ignore this feedback?
- Development contravenes the Essex Landscape Character Assessment evaluation which states that the site is 'in the (A1) Cam River Valley which has a relatively high sensitivity to change'.
- The application site is 20 minutes to the station not 10 minutes as stated by the applicants.
- The application site is Grade 2 agricultural land (the best quality in Uttlesford). It is a foraging area for bats, owls, badgers, newts and toads

## 10. APPRAISAL

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

- A The principle of development of this site for residential development (ULP Policies S1, S7 and GEN2)
- B Access to the site and highway safety (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies)
- C Visual Impact. (ULP Policy GEN2 & ENV1)
- D Mix of Housing and Affordable Housing (ULP Policies H9 and H10)
- E Residential Amenity (ULP Policy GEN2)
- F Infrastructure provision to support the development (ULP Policy GEN6)
- G Biodiversity (ULP Policies GEN7, GEN2 and ENV8)
- H Drainage (ULP Policies GEN3 and GEN6)
- I Other material considerations.

### **A The principle of development of this site for residential development (ULP Policies S3, S7 and GEN2)**

- 10.1 The site is located outside the development limits for Newport defined by Policy S3 of the Local Plan and is therefore located within the countryside where ULP Policy S7 applies. This 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. 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. It is not considered that the development would meet the requirements of

Policy S7 of the Local Plan and that, as a consequence, the proposal is contrary to Policy S7 of the 2005 Local Plan.

- 10.2 The Council has commissioned a Compatibility Assessment which confirms that Policy S7 is partly consistent with the NPPF in that the protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development but that the NPPF takes a positive approach, rather than a protective one. It is considered that although Policy S7 is still relevant to the consideration of this application, there remains a presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF.
- 10.3 Paragraph 49 of the NPPF confirms 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.
- 10.4 The applicants have submitted that the Council has a significant shortage of housing land supply and that the policies set out in the National Planning Policy Framework should apply. The Council has accepted that it does not have a five year supply of housing land and is currently preparing the Draft Local Plan which seeks to identify additional future development sites for the period 2013 to 2028. As a consequence, the Council does not have an up to date Local Plan under Paragraph 49 and there is therefore a presumption in favour of development.
- 10.5 The 2012 Annual Monitoring Report records the average annual completion rate to be 334 dwellings, compared with the average annual completion rate required by the East of England plan of 430 dwellings. The current level of delivery on deliverable sites for the 5-year period is therefore 78% which equates to 3.9 years' worth of supply.
- 10.6 The applicants have argued that the scenarios created as part of the Demographic Forecasts show that there is actually a smaller supply of housing land than identified in the AMR and that if windfall sites are taken into account in a more accurate way, the Council needs to find at least 967 dwellings against the Interim Housing Projections equating to a 3.1 years housing supply.
- 10.7 A report on Uttlesford's Housing Trajectory and 5-Year Land Supply 2013 was referred to the LDF Working Group on 14 June 2013 and stated that: 'The 5-year land supply statement shows that the Council has 74% or 3.7 years supply of committed sites against the annual requirement of 415 dwellings based on an economic scenario where the annual growth in jobs acts as a constraint on population and household growth.'
- 10.8 However, the latest Housing Trajectory also confirms that based upon objectively assessed needs contained in the SNPP projection, Uttlesford would need a figure of 523 dwellings per year and on this basis, has only a 2.9 year supply of housing, a shortfall of 1127 dwellings.
- 10.9 The level of shortfall is clearly significant depending upon the respective scenarios. The Council has recognised this and that it should consider favourably applications for residential development which will make a positive contribution towards meeting housing requirements. It therefore has considered and determined planning applications in this light and in accordance with Paragraph 49 of the NPPF. As a consequence, planning permission has been granted for residential development outside development limits where appropriate in accordance with the guidance set out in Paragraph 49 of the National Planning Policy Framework.

- 10.10 The application site is identified as a proposed development site in the Draft Local Plan 2012 under Newport Policy 1 – Bury Water Lane/Whiteditch Lane for an allocation for a minimum of 300 residential dwellings and providing for a mixed and balanced community. However, this number has recently been reviewed in the Uttlesford Draft Local Plan Position Statement March 2013 down to 100 dwellings and the site area has been amended from 15.2ha to 4.5ha. However, the Position Statement makes it clear that the amended site area excludes the 2.1ha site of the cucumber nursery which will be separately allocated for a residential elderly care village. The proposal therefore largely reflects the modifications in the Position Statement.
- 10.11 Third party representations and the Parish Council have objected to the fact that the principle of whether development should go ahead on this and the other sites identified in the Draft Local Plan has not yet been properly established. The Draft Local Plan has not been tested through the proper procedures and the suitability of the subject site and the adjoining application site of the Cucumber Nursery has not been properly assessed.
- 10.12 The Draft Local Plan is at an early stage in its preparation with the consultation on proposals having taken place in June 2012. A further pre-submission consultation was due to take place in January/February 2013 but was put back to allow further studies to be completed and considered in full. As a consequence, the sites identified have not yet been through the full consultation process.
- 10.13 However, although the primacy of the Development Plan is set out in legislation, Government advice contained in the NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development, particularly where Councils cannot show a five year supply of housing land. The application site has been assessed through the Strategic Housing Land Availability Assessment (SHLAA) and performed well. The site, which comprises NEW6 and NEW7 in the SHLAA, scored poorly on only three points, it was greenfield, was high quality land and the distance to hospital but scored well in most other respects. Access was recognised as a constraint that needed to overcome but overall the assessment concluded following the consultation on site allocations in January 2012, that this site was considered appropriate for development along with sites NEW4-7 and included as a proposed allocation in the Proposals for a Draft Local Plan June 2012 for a comprehensive development of 300 dwellings. The assessment stated that the allocation of sites NEW4, 5, 6 and 7 was considered to provide a comprehensive development scheme which would not only remove the redundant greenhouses on the old nursery site but also provide some traffic improvements. Any development would need to provide for junction improvements on Cambridge Road and the provision of a new bus/car park associated with the school.
- 10.14 The amended site area and housing allocation in the Position Statement has scaled down the amount of housing for the site and the applicants have further decreased the numbers of housing from 100 to 84. The applicants have indicated that this is largely due to the constraints of the site, including its access. While the reduction will have an impact on the Council's overall housing figures it is not considered that this is material and that the bringing forward of 84 houses will still provide a significant contribution towards the Council's overall housing land supply.
- 10.15 As a consequence of the above and the fact that the Council is still unable to demonstrate a 5 year supply of housing and that the application site is available for development, it is considered that there is a presumption in favour of the development of the application site in accordance with the guidance contained in the NPPF subject to compliance with other relevant policies of the Local Plan and to any material considerations.

**B Access to the site and parking provision (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies)**

- 10.16 The application is accompanied by a Transport Assessment and proposes the construction of a new access onto Bury Water Lane, at the south east corner of the site. Bury Water Lane is a Byway Open To All Traffic (BOAT) at this point and is used by vehicles as well as pedestrians, cyclists and horse riders. The new access will extend into the site as the priority route with 2m footpaths either side. The application also proposes the improvement of Bury Water Lane between the site frontage and the junction with School Lane. This section of the byway would be reconfigured to comprise a formal carriageway measuring 4.8m wide with a 2m footpath along the northern edge to tie into the existing footway at the northern edge of Bury Water Lane to the east.
- 10.17 It is understood that the improvements to Bury Water Lane can be delivered within the confines of the existing carriageway and verges without requiring third party land. The junction with Whiteditch Lane would also be slightly reconfigured and dropped kerbs would be installed outside the properties along Bury Water Lane to ensure that residents can access their properties. The TA also proposes a new 2m wide footway along the western edge of School Lane between the junctions of Bury Water Lane and Wicken Road.
- 10.18 The Transport Assessment and highway proposals have been considered by the Highway Authority. The Highway Authority has responded that the applicant's transport consultant, Bancroft Consulting, undertook pre application discussions with that authority and the Highway Authority are therefore satisfied that the assessment is overly robust having being based on 100 dwellings rather than the 84 residential units now proposed. The Transport Assessment indicates that there will be no significant impact on the highway network in terms of highway safety and capacity and the assessed junctions will operate with spare capacity. A footway will be provided in the vicinity of the site on the northern side of Bury Water Lane which will be upgraded from byway status to carriageway status. Further improvements to pedestrian safety will be provided by way of a new footway along the western edge of School Lane together with two passing bays to improve the ease of access for school buses. As a consequence, the Highway Authority has no objections to the proposals.
- 10.19 The concerns of the Parish Council and the vast majority of the third party representations relate to the access to the site and the implications of additional traffic of both this application and the one on the adjacent Nursery site (Ref: UTT/13.1817/OP), along Bury Water Lane, School Lane and the surrounding road network. The main concerns relate to existing congestion within Bury Water Lane, School Lane and Wicken Road as a result of the Newport Free Grammar School together with the safety of students. The roads are all relatively narrow and the school buses arrive along a one way system from Wicken Road, along School Lane and into Bury Water Lane towards the School.
- 10.20 The Transport Assessment has assessed that the development would generate a further 64 morning peak hour traffic movements along the section of Bury Water Lane past the school and that Bury Water Lane has sufficient spare capacity to comfortably accommodate the proposed traffic increases without any congestion during peak periods. The TA also noted the comparative lack of on street parking during the start of the school day and considered that the current traffic conditions where drivers proceed with caution at any points of reduced width or where vehicles are parked, means that any potential conflict successfully manages itself.

- 10.21 The concerns of the Parish Council and third parties have been noted and the application site has therefore been visited both at the start and end of the school day. It is agreed that there is considerable congestion at these times but this is largely because of the school buses that drop off students in the morning but are there for much longer in the afternoons when they park up wherever possible and wait for the end of school. On street parking takes place along Bury Water Lane throughout the day which exacerbates congestion and there is considerable difficulty for vehicles to pass the school buses, particularly in the afternoon. At the end of the day, student's mill round the buses and the road is impassable at these times.
- 10.22 The school has also lodged an objection to this and the adjacent application and expressed concerns that the proposed development would contribute to the congestion and issues of safety for the students.
- 10.23 The Highway Authority has accepted that the road design has capacity for the development and that there is no need for additional works beyond those that are included within the application. It is accepted that although the roads are congested at the peak school hours, for the rest of the day, traffic using Water Bury Lane is light. The issues revolving around the school are largely due to the buses and the lack of off-street laybys/parking at the school. That situation is already present and it is not considered that the current development would make any difference to the current problems of congestion at the start and end of the school day, nor would it be reasonable for the development to be required to resolve this existing situation as suggested by some third parties.
- 10.24 School Lane is narrow which limits the potential for two way traffic particularly for larger vehicles and at the peak school times when it is used by the school buses and other traffic. Again the Transport Assessment concludes that the current situation would not be made any different by the traffic generated by the application proposal. However, the application does involve the construction of a footpath along the western side of School Lane which would make pedestrian use safer than it is at present. Congestion at the junction of Wicken Road and School Lane is caused largely because of cars parked on Wicken Road and the school buses using Wicken Road and School Lane to access the school. That junction is currently capable of being used by large double decker and single decker buses and it is not considered that the development would significantly add to this, nor to the prevention of access for emergency vehicles beyond the current situation, particularly at peak school times.
- 10.25 The Parish Council, Newport Free Grammar School and third parties have also objected to the proposal on the grounds of student safety. Because the school operates a split site either side of Bury Water Lane, students have to constantly cross the road between the two parts of the campus. The concerns relate to the existing highway conditions and the potential hazard for children from additional traffic from both this application and for the Nursery Site.
- 10.26 The school children use the pedestrian crossing but appear to have no supervision or regulation when crossing during the times observed. It is clear therefore that there is potential for issues of safety and it is understood that the School is in discussions with the Highway Authority on this matter. However, the Highway Authority considers that the proposed development is acceptable and accepts the findings of the submitted TA that there will be not any additional impacts upon pedestrian safety.
- 10.27 It is understood that the applicants intend to enter into a Unilateral Undertaking for the provision of a six figure sum for payment to the School to be spent in such a manner as the school considers appropriate, on schemes which address the road safety of the

pupils and staff. This undertaking does not form part of the planning application but is a matter between the applicants and the School. On the basis of the findings of the Transport Assessment and the consultation response from the Highway Authority, there is no justification for the local planning authority to require any such sum, nor to require works to this part of Bury Water Lane on highway safety grounds. The applicants' offer of a Unilateral Undertaking is not regarded as necessary to the development but could be regarded as a material consideration in the determination of this application.

10.28 The site is one which had previously been identified for a significantly larger allocation of up to 300 dwellings in the emerging Local Plan. Newport Policy 1 sets out a requirement for a raft of highway improvements. However, the Position Statement in March 2012 considerably reduced the amount of development proposed and also split the site so that the Nursery site was identified for a Care Village for the Elderly. The Statement also removed the requirements for most of the highway works leaving the requirement for a roundabout on Cambridge Road, the widening of Bury Water Lane to provide improved access to the secondary school and provision of new car/bus park and turning facilities with access off Bury Water Lane as remaining requirements. However, the submitted Transport Assessment does not show any justification for these improvements and the Highway Authority does not require them.

10.29 Additional concerns have been made regarding the cumulative effect of the current application and the proposals for the care village on the nursery site. The current application does not address cumulative impact but the submitted application for the care village advises that the care village will generate very limited traffic which will not be subject to peak time flows, particularly in relation to the school start and finish times. As a consequence, it is unlikely that the combined traffic generation of the two proposals would be so significant as to be unacceptable on highway safety grounds.

10.30 The Parish Council has also raised concerns regarding the distance of the proposed development to other facilities in the village with specific reference to the Primary School and the railway station and that these distances are too far to walk and will encourage further journeys by car. Both Newport Primary School and the station are located at the southern end of the village and are therefore in relatively remote locations for much of the village. As a result other existing residents have similar distances to walk as future residents of the application site. Both the school and the station have limited accessibility for cars and it is considered that there is no greater propensity to take the car from this development than for others that are of a similar distance away.

10.31 It is accepted that there are current issues of safety and congestion within the vicinity of the site which arise as a result of the operation and location of Newport Free Grammar School. However, the submitted Transport Assessment states that the current proposal will not lead to unacceptable issues of highway safety or congestion and there are no objections to the proposal by the Highway Authority. Further representations have been submitted including a traffic safety report submitted by the school and this has been forwarded to the Highway Authority for comments. These are awaited but preliminary discussions with officers at the Highway Authority suggest that they are satisfied that the submitted Transport Assessment is sound. Notwithstanding the existing problems of access and safety largely generated by the school, it is considered that the current proposal will not exacerbate those problems and the Highway Authority has raised no objection to the proposals.

10.32 The Submitted Transport Assessment confirms that the indicative Masterplan demonstrates that the minimum parking requirements for off-street parking set out in the Council's Uttlesford Local Residential Parking Standards (February 2013) can be

met on site. Furthermore, the layout shows sufficient visitor/unallocated parking provision with a mixture of on-plot parking and laybys for parallel parking. It is considered that the form and layout of the development as shown on the indicative plan would allow sufficient on-plot parking to be achieved at the detailed design stage and would comply with the Council's parking standards. As such it is considered that the proposal complies with Policy GEN8 of the adopted Local Plan.

### **C Visual Impact. (ULP Policy GEN2)**

10.33 The application site is located on the edge of Newport within open countryside. The site slopes so that the development will be on rising ground and have the potential for visual intrusion within the landscape. This is one of the main concerns of the third party representations. The applicants have submitted a Landscape and Visual Impact Assessment which confirms that whilst the site benefits from enclosure provided by the riparian vegetation in the valley floor along Wicken Water to the south, the proposed development on the valley slopes would be discernible in local views particularly from the west and viewpoints closer to the scheme within the valley floor.

10.34 The proposed illustrative layout has therefore been developed in line with a mitigation strategy that involves concentrating built development to the east of the site where it would form an extension to the existing development of Newport. In contrast, the western edge of the site is formed by a landscaped buffer of between 14m to 35m in width between the development and the adjacent countryside. Open space and tree belts form breaks within the development to reduce the impact of the dwellings upon the valley slope. The proposal also incorporates sustainable urban drainage systems (SUDS) to restrict potential adverse effects upon Wicken Water tributary and River Cam and the allotments are located on the southern edge of the site to limit the intrusion of 'cluttered' landscape elements on the valley slopes and also to be accessible to the wider area.

10.35 The illustrative layout also shows housing densities being reduced on the western edge of the development area to form a transition with the buffer area and the open countryside beyond. Higher densities are therefore proposed within the eastern part of the site on the land to the north of the Nursery and the design of the dwellings is to incorporate 1-2.5 storey properties to reflect local design.

10.36 It is considered that the proposal addresses concerns about visual impact. The design of the illustrative layout makes provision for a landscaped buffer along the western edge of the development which will allow a transitional area between the housing and the open fields. This area will contain the attenuation pond and the LEAP. The location of the access at the eastern corner of the site will also minimise the impact on the land. The site is visible from local views and care will be needed therefore with the design and height of dwellings at the reserved matters stage. However, the retention of the existing hedgerow will assist in softening and breaking up the development internally and to help soften the impact from external views. It is considered that the development complies therefore with Policy GEN2 of the Local Plan.

### **D Mix of Housing and Affordable Housing (ULP Policies H9 and H10)**

10.37 Policy H9 requires that 40% affordable housing is provided on sites having regard to market and site conditions. The applicants have confirmed that the development would provide 40% affordable housing. The Planning Statement confirms that 34 affordable units would be provided which comprise 8 x 1 bed units (including 1 bungalow) , 15 x 2 bed houses (including 1 bungalow), 10 x 3 bed dwellings and 1 x 4 bed houses. The



statement also confirms that the affordable units will be distributed throughout the development in small groups.

10.38 The amount and grouping of the affordable units within the development is acceptable and in accordance with Policy H9 of the Local Plan. Their provision would be subject to a Section 106 Agreement.

10.39 The application is in outline and the applicants have not provided a breakdown of the mix of dwellings at this stage but have confirmed that 57% of the houses will be 3 bed or less and that 5% will be bungalows and will be wheelchair accessible. The applicants have also indicated that all the dwellings would be built to lifetime standards. It is considered that subject to details submitted at the reserved matters the application will provide an acceptable mix of dwellings on this site and that the proposals comply with Policy H10 of the Local Plan.

## **E Residential Amenity (ULP Policy GEN2)**

10.40 The site is separated from existing residential properties by the Cucumber Nursery and therefore the new development will not have an immediate impact upon existing dwellings. The new access onto Bury Water Lane will generate additional traffic along the lane past existing dwellings but it is not considered that the number of vehicles would be such that they would have an adverse impact upon residential amenity. It is considered therefore that there would be no unacceptable adverse impact upon existing residents.

10.41 In terms of future residents, the site is large enough to ensure that appropriate levels of amenity can be provided. However, the site wraps around the Nursery and there are current proposals to develop that site as a care village (Ref: UTT/13/1817/OP). Both applications are in outline but provide illustrative layouts on how the respective sites could be developed. Each layout places buildings relatively close to the common boundaries and there will need to be better integration between the two schemes to make sure that future problems of overlooking and lack of privacy do not arise. However, at this stage it is considered that the current application would not have an adverse impact upon residential impact and is in accordance with Local Plan Policy GEN2.

## **F Infrastructure provision to support the development (ULP Policy GEN6)**

10.42 Essex Education has advised that the development falls in the priority admissions area of Newport Primary School which last year increased its net capacity from 144 pupils to 175 pupils. Despite this increase in capacity forecasts show that by September 2016 there is likely to be a deficit of places. The development falls in the priority admissions area of Newport Free Grammar School and this also is forecast to be at capacity in the future. As a consequence additional places at the school will be required and this development will add to that need. It is also understood that existing early years and childcare are full and there are insufficient places available in the area to serve the needs of the proposed development.

10.43 Essex Education therefore requires a total contribution of £552,259 of which £234,585 is required for primary provision, £237,585 for secondary provision and £80,089 for early years and childcare.

10.44 NHS Property Services has calculated that the additional growth in population as a result of the application will generate a need for a further 0.12 GP to meet that growth

together with additional floorspace. As a consequence, the NHS has advised that a contribution of £28,800 is required to create the additional floorspace.

10.45 Both the education and NHS contributions would be subject to a Section 106 obligation.

### **G Biodiversity (ULP Policies GEN7 and GEN2)**

10.46 The applicants have submitted a Phase 1 Ecological Assessment which highlighted the need for surveys for Great Crested Newts and Reptiles. Both these surveys have been carried out and submitted. No Great Crested newts have been identified within or adjacent to the site and only common lizards were found during the Reptile Survey. The County Ecologist has raised no objections on these matters and has recommended that conditions be attached requiring a Reptile Protection Plan and a Biodiversity Mitigation and Enhancement Plan.

10.47 The applicants have amended their red line to incorporate Bury Water Lane to allow the improvements/widening to be facilitated. Upon re-consultation, the County Ecologist has raised an objection to the revised plan on the grounds that the ecological report should incorporate an update to reflect the proposed alterations to the design of the scheme, particularly because this area is adjacent to Local Wildlife Site Ufd79 Wicken Water Marsh. Furthermore, the desk survey results for the site should be included within the report, which were omitted previously. The applicants have agreed to provide the additional information required and to reflect the presence of the Local Wildlife Site in the Phase 1 Report.

### **H Drainage (ULP Policies GEN3 and GEN6)**

10.48 The Parish Council has raised concerns relating to the sewerage infrastructure in the village and that the application contains no details as to how this problem will be dealt with. In addition, many of the third party representations comment that to service this site, Anglian Water propose to cut a sewer across the gardens of the properties in Bury Water Lane and the main road which would have a detrimental impact upon existing residents.

10.49 Anglian Water have been consulted and confirmed that with respect to wastewater, the foul drainage from this development is in the catchment of Newport STW that at present has available capacity for these flows. In terms of Foul Sewerage, Anglian Water have advised that it has been working with the applicants as the proposed development will lead to an unacceptable risk of flooding downstream and mitigation will be required. The drainage strategy for the site should cover the procurement of the improvement works and Anglian Water therefore requests a condition requiring the drainage strategy to be submitted.

10.50 With regard to the concerns of residents to the potential cutting of a sewer in their back gardens, this is not a proposal. Anglian Water's Pre-planning Addendum Report sets out three options for betterment of the existing system with Option 1 being the recommended solution. This involves the upgrade of the sewer that runs through the gardens but the upgrade is to a 51metre length of the pipe which is located within the highway at Bury Water Lane. None of the proposals involve upgrading the sewer where it crosses gardens and there will therefore be no disruption to residents.

10.51 The Environment Agency has confirmed that the submitted Flood Risk Assessment is acceptable for the scale and nature of the proposed development. The FRA includes an outline surface water drainage strategy that is, in principle, acceptable as this

demonstrates that there would be no increase in surface water runoff from the site compared with the existing Greenfield runoff rate up to the 100 year storm event inclusive of climate change. However, no infiltration testing has been undertaken to determine whether the use of soakaways is feasible and a condition is required to ensure these tests are carried out.

## **11. CONCLUSION**

11.1 Although the application site is located outside the current development limits of Newport, it has been identified for development in the emerging Local Plan. It is considered that, in view of the Council's current lack of a 5 year housing land supply and the contribution that this application would provide to that supply as well as to affordable housing, the site should be brought forward in advance of the adoption of the current draft Local Plan. The application involves improvements to the existing highway, including a new footpath along School Lane which will improve highway safety in the vicinity of the site. The submitted information demonstrates that the existing highway network has sufficient capacity to accommodate the development and the Highway Authority has no objections to the application. Whilst it is noted that the Parish Council, the school and residents have expressed concerns relating to safety at the Newport Free Grammar School and issues of congestion at the school peak times, these are issues that already exist at present. The applicants' Highway Assessment and the Highway Authority do not consider that there will be additional issues arising as a result of this development and therefore do not require additional measures to be put in place. Whilst the applicants have indicated that they are prepared to provide a Unilateral Undertaking to the school which will give a sum of money to the school that it can use to improve existing safety and congestion, this is outside the current application and cannot be justified or required by the local planning authority as a direct consequence of the current proposals.

11.2 The application is acceptable in all other respects and issues of contributions for education and health facilities can be dealt with by S106 which is being drafted. The application is considered to be acceptable in all other respects and accords with the policies of the Development Plan and the NPPF.

## **RECOMMENDATION –CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION**

- (I) **The applicant be informed that the Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 4th October 2013 of being invited to do so the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive - Legal, in which case he shall be authorised to conclude such an agreement to secure the following:**
- (i) Community payment for education and health care services**
  - (ii) Provision of 40% affordable housing**
  - (iii) Provision and transfer of open space and play equipment**
  - (iv) Contribution towards maintenance of open space for 20 years**
  - (v) Provision and transfer of allotments**
  - (vi) Pay monitoring costs**
  - (vii) Pay Councils reasonable costs**

- (II) In the event of such an agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below**
- (III) If the freehold owner shall fail to enter into such an agreement, the Assistant Director Planning and Building Control shall be authorised to refuse permission for the following reasons:**
- (i) No community payment for education and health care services**
  - (ii) No provision of 40% affordable housing**
  - (iii) No provision and transfer of open space and play equipment**
  - (iv) No contribution towards maintenance of open space for 20 years**
  - (v) No provision and transfer of allotments**

#### Conditions

1. Approval of the details of the layout, scale, landscaping and appearance (hereafter called "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. (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.  
(B) The development hereby permitted shall be begun later than the expiration of 2 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. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

3. No development shall take place until a Biodiversity Mitigation & Enhancement Plan has been submitted to and approved in writing by the Uttlesford Planning Authority. The Plan shall include provision for habitat creation and management during the life of the development hereby permitted and in accordance with the general principles outlined in the Ecology and Biodiversity Assessment (dated May 2013) and, without prejudice to the foregoing, shall include:
- (a) Aims and objectives of mitigation;
  - (b) Extent and location of proposed works;
  - (c) A description and evaluation of the features to be managed;
  - (d) Sources of habitat materials;
  - (e) Timing of the works;
  - (f) Selection of specific techniques and practices for preparing the site and creating/establishing vegetation including specific planting schemes detailing the native species that will be used;
  - (g) Details of the location, height, design and luminance of all fixed lighting for both construction and occupation phases of the development to minimise impacts on foraging bats;

- (h) Detailed descriptions of biodiversity enhancement measures that will be taken within the development and outside of the development footprint;
- (i) Prescriptions for management actions, both short and long-term;
- (j) Provisions for the long-term management of the area demonstrating the feasibility of delivery of biodiversity enhancement and long-term management, including details of funding for the management.

The development hereby permitted shall be implemented in accordance with the approved plan.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

4. No development shall take place until a Reptile Protection Plan for the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include how mitigation measures for legally protected reptiles will be implemented prior to and during construction of the development in accordance with appropriate wildlife legislation. This shall include a Method Statement. The development shall thereafter be carried out in accordance with the approved Reptile Protection Plan in all respects.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

5. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005)

6. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year critical storm event inclusive of climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

REASON: To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding both on and off site in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

7. Prior to the commencement of development a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development shall be submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

REASON: To enhance the sustainability of the development through better use of water, energy and materials in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

8. Prior to the commencement of development, a scheme for the provision and implementation of rainwater harvesting shall be submitted and agreed, in writing, with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification before occupancy of any part of the proposed development.

REASON: To enhance the sustainability of the development through efficient use of water resources in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

9. No construction traffic (including deliveries) shall use Bury Water Lane between the hours of 0800 to 0900 and between 1500 and 1530 Mondays to Fridays.

REASON: In the interests of the amenity of the area and the safety of pupils at Newport Free Grammar School in accordance with Policies GEN2 and GEN4 of the Uttlesford Local plan (adopted 2005)

10. Demolition or construction works (including deliveries) shall not take place outside 7.30 hours to 18.00 hours Mondays to Fridays and 8.30 hours to 14.00 hours on Saturdays and at no time on Sundays or Bank Holidays.

REASON: In the interests of the amenity of the area in accordance with Policies GEN2 and GEN4 of the Uttlesford Local plan (adopted 2005)

11. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - (a) the parking of vehicles of site operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials used in constructing the development
  - (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - (e) wheel washing facilities
  - (f) measures to control the emission of dust and dirt during construction
  - (g) a scheme for recycling/disposing of waste resulting from construction works.
  - (h) the routing of all construction traffic.

REASON: In the interests of the amenity of surrounding residential premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

12. Prior to the erection of the development hereby approved (not including footings and foundations) samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 and ENV1 of the Uttlesford Local Plan (adopted 2005).

13. No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the Local Planning Authority, details must comply with Advice Note 3, 'Potential Bird Hazards from Amenity Landscaping and Building Design' available at [www.aoa.org.uk/publications/safeguarding.asp](http://www.aoa.org.uk/publications/safeguarding.asp). These details shall include:  
drainage details including SUDS – such schemes must comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS) available as above.  
No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To avoid endangering the safe movement of aircraft and the operation of Stansted airport through the attraction of birds and an increase in the bird hazard risk of the application site in accordance with policy GEN2 of the Uttlesford Local Plan (adopted 2005).

14. (a) No development or preliminary groundworks shall commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a written scheme of investigation which has previously been submitted by the applicant, and approved by the planning authority. A mitigation strategy detailing the excavation/preservation strategy for any archaeological deposits shall be submitted to the local planning authority following the completion of this work.

(b) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been previously approved by the local planning authority in consultation with its historic environment advisors.

(c) The applicant shall submit to the local planning authority a post excavation assessment (to be submitted within six 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: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

15. Prior to commencement of the construction of the dwellings, the access into the site and works to upgrade the byway to carriageway status as shown on Drawing No. F12153/01 Rev B shall be provided to include but not limited to
- i. minimum 4.8 metre carriageway width with 2 metre wide footway, narrowing to 1.5 metres for a 21 metre length, to the northern side to tie in with the existing footway at the northern edge of Bury Water Lane to the east
  - ii. visibility splays as shown, such visibility splays shall be retained free of any obstruction in perpetuity
  - iii. dropped kerbs as required to the existing properties on the northern side of Bury Water Lane.

Details to be submitted to and approved in writing with the Local Planning Authority prior to the commencement of development. The approved scheme of works shall then be implemented in its entirety prior to commencement on any dwelling site.

REASON: In the interests of highway safety and providing adequate inter-visibility between the users of the access and the existing public highway for the safety and

convenience of users of the highway and of the access in accordance with in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005)..

16. Prior to occupation of any dwelling, the provision of a 2 metre wide footway and passing bays, as shown in principle on Drawing No. F12153/05, on the western side of School Lane between its junctions with Bury Water Lane and Wicken Road B1 038. Details to be submitted to and approved in writing with the Local Planning Authority prior to commencement of development.

REASON: In the interests of highway safety, efficiency and accessibility in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

17. Prior to the commencement of development details regarding the provision of 2no. open market wheelchair accessible units would need to be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved plans and retained, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the district's housing stock is accessible to all and to meet the requirements contained in adopted SPD Accessible Homes and Playspace Adopted November 2005 and in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

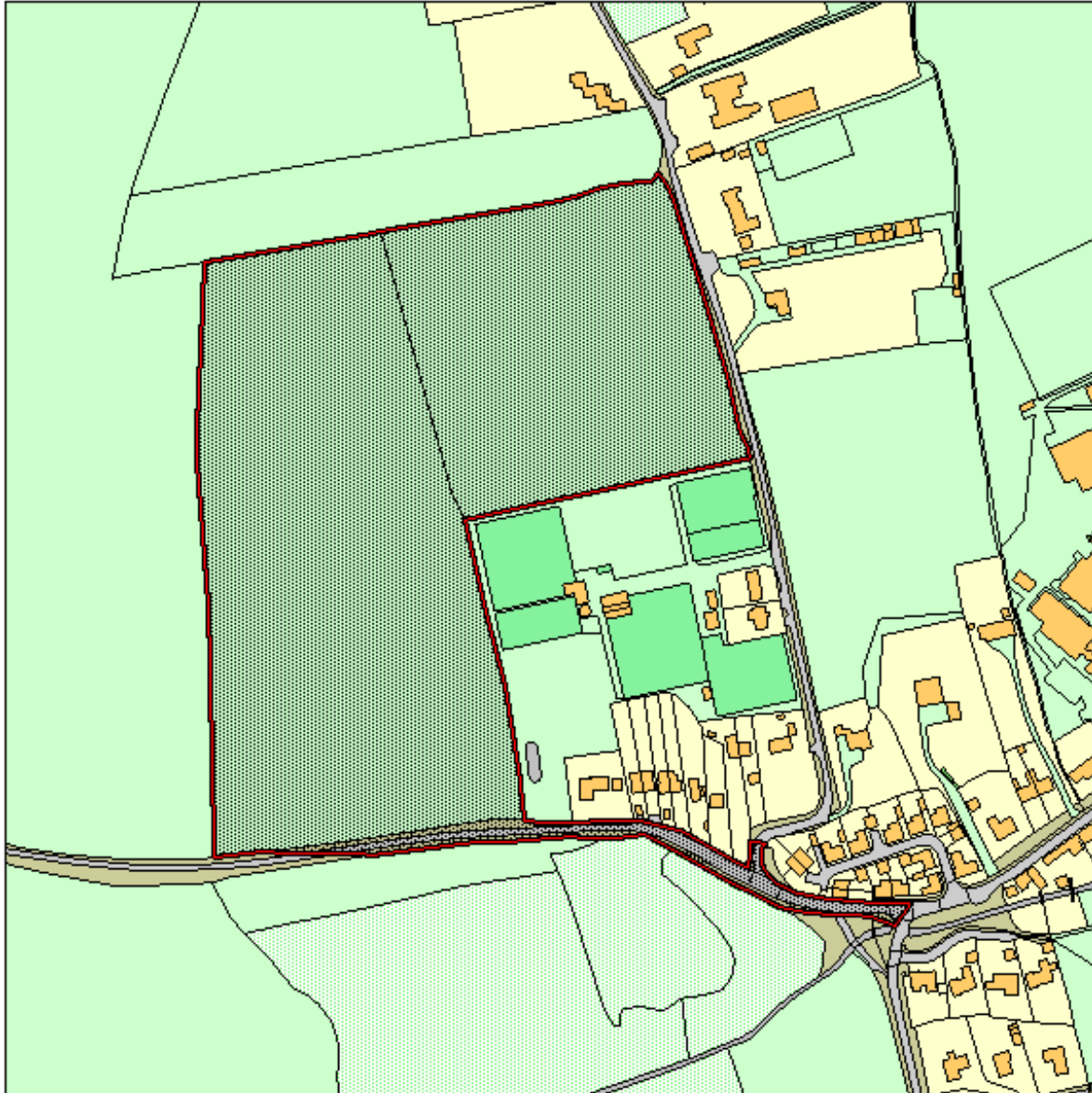


# UTT/13/1769/OP

## Land at Bury Water Lane Newport



GIS by ESRI (UK)



Scale : 1:3000

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Organisation	Uttlesford District Council
Department	Planning and Building Control
Comments	
Date	16 September 2013
SLA Number	Not Set