

UTT/14/2904/DFO (NEWPORT)

(MINOR APPLICATION)

Referred to Committee by Cllr Joanna Parry (Reason: Object to the proposal because the outline permission (UTT/13/1817/OP) ties these 5 applications in with the application for Care Village.)

PROPOSAL: Details following outline application UTT/13/1817/OP – The details of access, appearance, landscaping, layout and scale for the erection of two storey detached residential dwelling (Plot 5, the open housing market)

LOCATION: Hillside And Land To Rear of Bury Water Lane, Newport.

APPLICANT: Mr and Mrs Bampton and Barba.

AGENT: Pelham Structures Ltd

EXPIRY DATE: 25 November 2014

CASE OFFICER: Emmanuel Allanah

1. NOTATION

1.1 Within Development Limits and S.S.S.I Consultation Areas.

2. DESCRIPTION OF SITE

1.1 The site is part of occupied range of glasshouses and other utilitarian commercial buildings in connection with the previous horticultural use which has been granted an outline planning permission for a mix of a residential care facility for (120 persons), comprising of separate assisted living units for people over 65 years of age (40 units); associated medical and recreation facilities in a Care Support facilities block including mobile medical treat, hairdresser; and the construction of 5no. respite care bungalows and 5no. detached dwellings (open market housing separate to the care facility of which one of them relate to this current proposal) fronting Bury Water Lane . The area is characterised by existing redundant glasshouses, residential buildings of different scale, mass, height and design. It is also partly screened by existing trees and vegetation.

3. PROPOSAL

3.1 The proposal relate to details of one of the 5no. dwellings above in connection with outline application UTT/13/1817/OP relating details of access, appearance, landscaping, layout and scale for Plot 5 as shown in (the approved Master Plan as now shown in the proposed site plan drawing number 83B). This application therefore relate to details of reserved matters for Plot 5.

4. APPLICANT'S CASE

4.1 The application is accompanied by a planning statement which demonstrated that the proposed reserved matters can be considered acceptable subject to the completion of

the agreed Section 106 relating to the outline application that was approved and registered as UTT/13/1817/OP.

4.2 Summary and Conclusion of the Planning Statement:

- The outline application included indicative details of the five dwellings fronting Whiteditch Lane, but access was reserved matter. The illustrative site plan showed vehicular access to the five dwellings from an internal estate road within the care village site. Given that the scheme has evolved through the design process, it has become apparent that the five individual dwellings would be best served by their own independent driveways, served off Whiteditch Lane. Negotiations with prospective operators of the care village have identified an operational need for the 5 dwellings to be access from Whiteditch Lane rather than via the care site.
- The relocation of the proposed access point from the illustrative position shown at the outline stage has improved the layout of the dwelling on site. As a result of the change, the dwellings itself would be sited further away from the boundary with 'Greenways', an existing property to the south, and would have access to a much larger, more useable and more private rear garden area.
- The improved layout makes the car parking for residents closer to the house, in accordance with Lifetime Homes Standards. Access via Whiteditch Lane also makes the dwelling more legible in street scene terms, and more accessible to visitors.
- In terms scale the outline application indicated that the five dwellings fronting Whiteditch Lane would be larger open market properties. Plots 1 would be one and half storey 3 bedroom detached house with a detached double –length garage plus parking space and on-site turning area to enable vehicles to enter and leave the site in forward gear.
- The size and scale of the proposed dwellings would provide a good transition between the existing property 'Greenway' and the adjacent Plot 2 dwelling. The dwelling would have a maximum ridge height of 7.8m, which is within the range found along Whiteditch Lane. Given that Whiteditch Lane comprises primarily large detached houses the scale of the proposed dwelling would be comparable with existing properties.
- The proposed dwelling is of traditional design and materials, and would reflect the style of properties found elsewhere in the district. The use of a rear wing and lower range reduces the mass of the building and minimises the effect of the development on the neighbouring property and its occupants.
- Materials would be smooth painted render on a brick plinth with timber windows and doors. The roof would be plain clay tiles, and the chimney would be of matching red brick to the plinth. The frame for the garden room would be exposed oak, and its roof would be slate. Materials for the double length garage would be painted weatherboarding on a brick plinth with a slate roof.
- In the landscaping details the dwelling would be served by a garden well in excess of the Council's standards and the building would be set away from its side boundaries. Planting would be provided to ensure that the dwelling retains semi-rural character and appearance appropriate to its location.

5. RELEVANT SITE HISTORY

- 5.1 UTT/13/1817/OP – Approve with condition. Outline application for redevelopment with a mix of a residential care facility (for illustrative purposes, for 120 persons), separate assisted living units for people over 65 years of age (40 units); associated medical and recreation facilities in a Care Support Facilities block (including mobile medical treatment, hairdresser, etc); the construction of 5 no. respite care bungalows; and 5 no.

detached dwellings (open market housing separate to the care facility) fronting Burywater Lane. Vehicular access to the site would be secured from Burywater Lane following the demolition of the dwellings known as No. 1 & 2 Hillside, Burywater Lane, Newport, Essex CB11 3UA.

- 5.2 UTT/14/2901/DFO. Pending. Details following outline application UTT/13/1817/OP – Details of access, appearance, landscaping, layout and scale for Plot 2.
- 5.3 UTT/14/2902/DFO. Pending. Details following outline application UTT/13/1817/OP – Details of access, appearance, landscaping, layout and s UTT/14/2902/DFO.
- 5.4 UTT/14/2903/OP. Pending. Details following outline application UTT/13/1817/OP – Details of access, appearance, landscaping, layout and scale for Plot 3.
- 5.5 UTT/14/2904/OP. Pending. Details following outline application UTT/13/1817/OP – Details of access, appearance, landscaping, layout and scale for Plot 4.

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

6.3 Supplementary Planning Documents:

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

6.4 Uttlesford Local Plan-Pre-Submission Consultation April 2014

- Newport Policy 1 – Bury Water Lane/Whiteditch Lane

7. PARISH and TOWN COUNCIL COMMENTS

- 7.1 Newport Parish Council concerns and advice include the following:

- 7.2 Altering the access to the five houses, of which this is one, from a route along Bury Water Lane and through the Care Village, to one along Bury Water Lane and Whiteditch Lane completely changes the nature of this proposal. While it still uses the same piece of land, it now amounts to part of a new proposal to build five houses on Whiteditch Lane, and accordingly should be treated as such.
- (a) The proposed dwelling would be outside development limits.
 - (b) The Planning Statement in support of Reserved Matters Application, point 2.10, states “paragraph 2.1 sets out the rationale for taking access from Whiteditch Lane rather than from the internal estate road for the care village. This would be beneficial for occupants of the new house, would reduce vehicular activity within the care village development and would also provide more accessibly located parking spaces”. The reduction in vehicular activity within the Care Village will improve safety within it. The roads in the Care Village are of a much greater standard than Whiteditch Lane. Turning this development round so that access is via Whiteditch Lane will worsen standards of safety in Whiteditch Lane more than the improvement in the Care Village. This is contradictory if it is supporting the Care Village.
 - (c) Whiteditch Lane, Bury Water Lane and School Lane are inadequate for the current traffic and are totally unsuitable for additional housing.
 - (d) The narrow lane would be blocked by construction and refuse vehicles and for short periods when existing or proposed biological tanks are emptied and oil deliveries made. Emergency vehicles would be unable to gain access.
 - (e) There are occasions when large vehicles have to reverse down the whole length of the lane.
 - (f) There is no footpath or pavement in the lane which is extremely hazardous and dangerous for pedestrians. If this proposal is to be approved, a condition of the approval should be the provision of a footpath along Whiteditch Lane from its junction with Bury Water Lane as far as this development. If this is not feasible planning permission should be refused.
 - (g) Each development is being considered separately rather than looking at the total, no upper limit has been placed on the number of houses that can be built on White Ditch Lane and Bury Water Lane.
 - (h) The five houses that these proposals relate to were included in the Care Village scheme to enable the whole scheme to be viable. Decoupling them from the overall scheme will mean that these five houses will be built, and the Care Village will cease to be viable. To avoid this, if the scheme is to be approved, a condition should be applied that does not permit work to commence on these five houses until the Care Village is complete.
 - (i) On the main proposal, site access is shown via Whiteditch Lane whereas on the document produced by the Stilwell Partnership attached to the Stage 1 Road Safety Audit, access is
 - (j) Shown via Hillside, which is contradictory.

8 CONSULTATION

UDC- Policy and Conservation Team

- 8.1 The Local Plan has been submitted to the Secretary of State for examination into its Soundness. An Inspector has been appointed and examination dates set for November/December.

Newport Policy1 – Nursery site, north of Bury Water Lane is very specific in that the 5 market houses are only permitted providing that:

- Viability appraisal demonstrates the need for market housing component is essential for the successful delivery of the development
- The proportion of market housing is the minimum needed to make the scheme viable.

There is a recognised need in the District for care homes and provision for the elderly and this allocation was made to ensure that this need is being met over the Plan period. The concern is that the 5 market houses will be delivered and the care village and apartments for the over 65s will not be developed. The market houses are one part of the whole master plan and one should not be delivered in isolation or detriment to the other elements. The application should only be approved if they can be delivered in line with the whole master plan. The policy is clear that the market dwellings are to ensure the development of the care village and apartments.

ECC- Ecology Advice

- 8.2 No objection.

ECC Highways Authority

- 8.3 No objection subject to recommended planning conditions.

Affinity Water

- 8.4 You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Debden Road Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

BAA Aerodrome Safeguarding

- 8.5 There are no aerodrome safeguarding concerns.

9 REPRESENTATIONS

9.1 This application has been advertised and fifteen letters of objection have been received at the time of preparing this committee report. Notification period expired on 24 October 2014. And the common ground of concerns and objection includes:

- There is insufficient infrastructure to support this development (road, access, water, drainage, sewage)
- Impact on traffic circulation in Newport. The development is unsustainable.
- The emerging Local Plan is very specific that these 5 houses are only permitted if essential for the successful delivery of the care village. These houses should therefore only be permitted in line with the development of the whole care village site.
- There are no footpaths along Whiteditch Lane, which makes it unsuitable for primary school children walking to school.
- The houses are all being built with septic tanks. The tankers required to empty these are an additional weight to the traffic along this lane, coupled with oil deliveries, supermarket deliveries, refuse collection to existing houses as well as new ones. There is a real danger that emergency vehicle may not be able to get through.
- Proposal would generate noise pollution and traffic
- Proposal would lead to congestion.

10. APPRAISAL

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

- A Whether the proposed access is appropriate (ULP Policies GEN1 and GEN8)**
- B The impact of the proposed scale, layout and appearance on the character and amenity of the area (ULP Policies GEN2 and H3)**
- C Landscape details**
- D Other material considerations**
- A Whether the proposed access would harm other road users and traffic in the area**

10.1 Policy GEN1 affirms that development will only be permitted if it meets all the following criteria:

- Access to the main road network must be capable of carrying the traffic generated by the development safely.
- The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
- The design of the site must not compromise road safety and must take account of the needs of cyclist, pedestrians, public transport users, horse riders and people whose mobility is impaired.
- It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.
- The development encourages the movement by means other than driving a car.

10.2 The outline application included indicative details of the five dwellings fronting Whiteditch Lane, although access was one of the reserved matters. The illustrative site

plan showed vehicular access to the five dwellings from an internal estate road within the care village site.

- 10.3 In order to submit the current proposed reserved matters, it has become clear that the five individual dwellings would be best served by their own independent driveways, served off Whiteditch Lane. Negotiation with prospective operators of the care village have identified an operational need for the 5 dwellings to be accessed from Whiteditch Lane instead of through the care site. Part of the reason also involves to ensure the access for the development have the capacity to carry the traffic generated by the development safely; and to ensure such access from Whiteditch Lane did not compromise road safety and designed to meet the needs of the occupants of the individual five dwellings.
- 10.4 The rationale behind such road safety has also been considered by Essex County Council as highway authority and they have not raised objection to the proposed access. They have also recommended appropriate planning conditions in order to protect and safeguard other road users. With adequate off-street car parking spaces provided and the proximity of the site to rural bus services overall the proposal can be considered sustainable and in accordance with Policies GEN1 and GEN8.

B Whether the proposed scale, layout and appearance are compatible with the surrounding buildings in the area.

- 10.5 Policy GEN2 states that development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents.
- It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;
 - It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings where appropriate;
 - It provides an environment, which meets the reasonable needs of all potential users.
 - It helps to reduce potential for crime;
 - It helps to minimise water and energy consumption; it has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan.
 - It helps to reduce waste production and encourages recycling and reuse.
 - It minimises the environmental impact on neighbouring properties by appropriate mitigating measures.
 - It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.
- 10.6 The residential properties fronting this part of Whiteditch Lane comprised of two storey detached buildings which are set back from Whiteditch Lane. The site is also directly facing some vegetation, trees and plants which partly screen other existing residential buildings nearby. Given that the proposed development would involve the removal of the existing redundant glasshouses relating to the abandoned cucumber and horticultural agriculture, it would provide opportunity in implementing the details of these reserved matters relating to the layout, scale and appearance of this plot 5 dwelling.
- 10.7 In order to reflect the character of the immediate surroundings, the design approach involves creating a scale, mass, form, height, layout and appearance of the buildings

which reflects the character of the surrounding area which comprised of two storey detached residential buildings with their own individual design details. The proposed scale and appearance of the proposed development has incorporated features of nearby residential buildings. In order to ensure such external appearance is satisfactory details of external materials that would be used in constructing the residential building would be condition. This is considered acceptable and in accordance with Policy GEN2 of the adopted Local Plan (2005).

- 10.8 The proposed plot 1 north elevation comprised of one velux window and three separate windows serving three separate bedrooms. These three windows would be looking towards Hillside as a result it would not be overlooking into any of the approved indicative schemes in the approved outline application registered as UTT/13/1817/OP.
- 10.9 In policy terms it can be concluded that the proposed layout, scale and appearance would not harm the character of the area and the living condition of any adjoining occupiers. It would not be prejudicial to the implementation of the remaining approved care village as illustrated in the approved outline application. Hence, in policy terms the proposal is in accordance with Policies GEN2 and H3.

C Landscaping

- 10.10 Policy ENV8 affirms that “development that may adversely affect landscape elements will only be permitted for example; if the development outweighs the need to retain the elements for their importance; mitigation measures are provided that would compensate for the harm and reinstate the nature conservation value of the locality...”
- 10.11 And Policy GEN7 states that “development that would have a harmful effect on wildlife ...will not be permitted unless the needs for the development outweigh the importance of the feature to nature conservation...”
- 10.12 Given the location of the site with a rural restraints area every efforts to ensure that features of the landscape character of the area is incorporates by taken an approach of incorporating sizable garden well in excess of the Council’s standards and ensure the building is set away from its side boundaries. More planting has been encouraged through the landscaping scheme approach which would help to reflect the semi-rural character and appearance of the immediate surrounding area and assist to protect any nature conservation within the vicinity. The proposed rear garden area is approximately 240sq.m and this is considered to be far exceeding the standard of rear garden area for four/five bedroom residential dwelling. This is welcome and in accordance with Policies GEN7 and ENV8.

D Other material considerations

- 10.13 In considering the approval of the proposed outline application UTT/13/1817/OP which included the above plot 5 the application was considered acceptable in all other respects and issues of the contribution for health facilities secured through the completion of Section 106 Agreement in addition with the approved care village comprising of 40 units and other supported local infrastructure.
- 10.14 Having considered the details of the scale, layout, appearance, access and landscaping of the current proposed two storey detached dwelling (Plot 5 as shown in the proposed drawing number 83B), on balance it is considered acceptable subject to the implementation of the remaining care village UTT/13/1817/OP and the agreed Section 106 Agreement.

11 CONCLUSION

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

- A The proposed access is considered acceptable as it would not adversely harm other road users or compromise road safety subject to the recommended planning conditions in order to protect and safeguard traffic in the area. This is in accordance with Policy GEN1 and GEN8.
- B The proposed layout, scale and appearance are considered acceptable because it is compatible with the residential properties in the surroundings; it would not harm the living condition of the adjoining occupiers in terms of overlooking or overbearing and it would not be prejudicial to the implementation of the care village. Hence, the proposal is not in conflict with Policies GEN2 and H3.
- C The proposed landscaping scheme would provide adequate amenity space for the future occupants of the dwelling and help in reinforcing the nature conservation of the vicinity and the semi-rural character of the area in accordance with Policies GEN7 and ENV8
- D The proposed details of the above reserved matters which has been considered acceptable shall be subject to the implementation of approved outline application registered as UU/13/1817/OP and the Section 106 Legal Obligation.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/reasons

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

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

2. Details of the external materials for the construction of the approved development shall be submitted to and approved by the Local Planning Authority in writing prior to the implementation of the approved scheme.

REASON: In the interests of the appearance of the development and the visual amenity of the area in accordance with Policies GEN2 of the adopted Local Plan (2005).

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no extensions shall be constructed (other than any expressly authorised by the permission or any other grant of express planning permission) or freestanding buildings erected on any part of the Plot 5 without the prior written permission of the local planning authority.

REASON: The gardens for this Plot 5 are the minimum size that would be acceptable and extensions or outbuildings may result in an unacceptable reduction in the size of the garden which would be contrary to Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 4 Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy GEN1 of the adopted Local Plan (2005).

- 5 Prior to occupation of the development, the provision of 2 passing places on Whiteditch Lane as shown in principle on Drawing No. 85 Proposed Site Plan. Details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority prior to commencement of development.

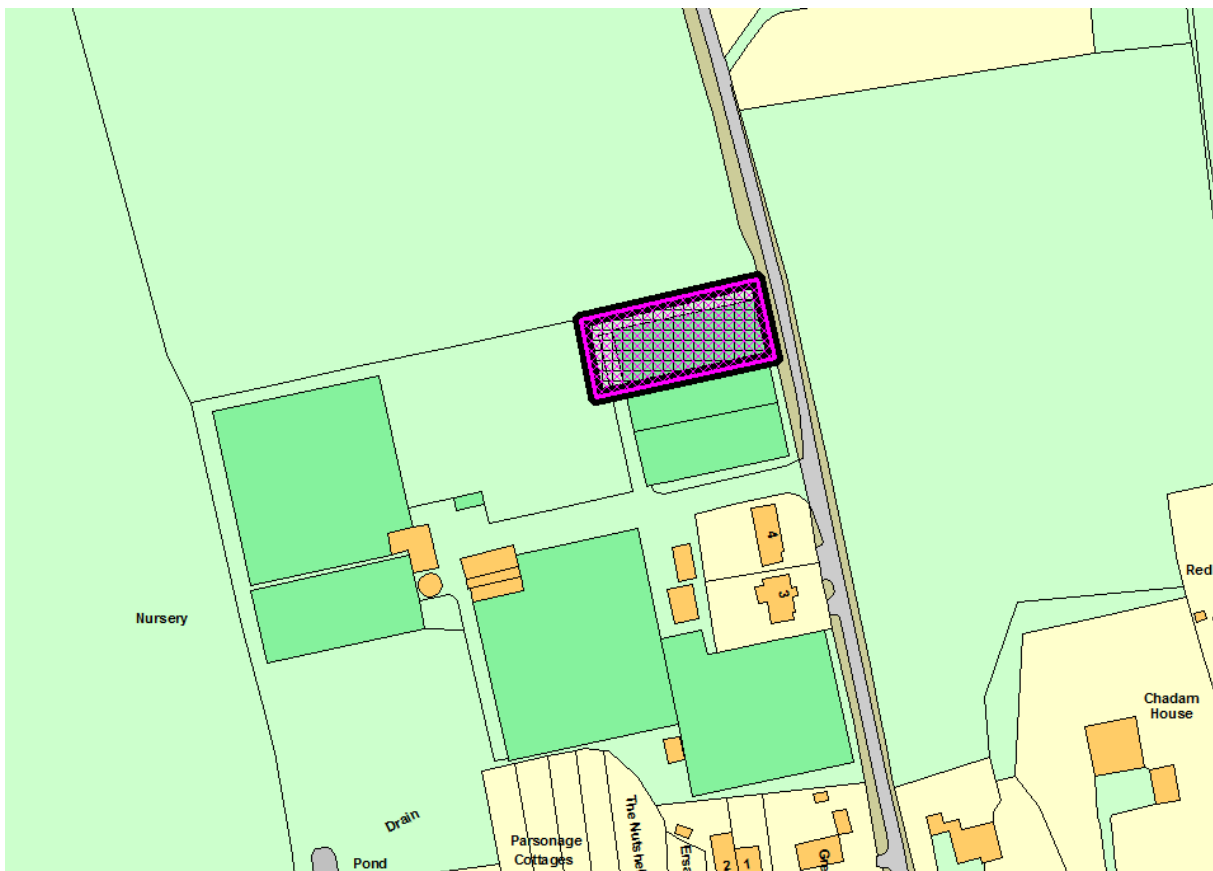
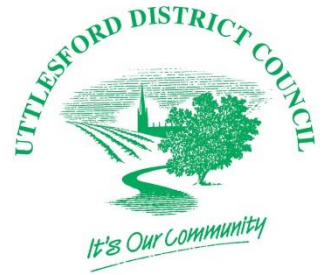
REASON: In the interests of highway safety, efficiency and accessibility in accordance with Policy GEN1 of the adopted Local Plan (2005).

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

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

Application no.: UTT/14/2904/DFO

Address: Plot 5 Hillside and land to the rear of Bury Water Lane Newport



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Organisation: Uttlesford District Council

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