

**UTT/14/3266/OP (NEWPORT)**

**MAJOR**

**PROPOSAL:** Outline application for the erection of 15 no. dwellings with all matters reserved except access and scale.

**LOCATION:** Land South of Wyndhams Croft, Whiteditch Lane, Newport.

**APPLICANT:** Ford-Wells Ltd

**AGENT:** KMBC Planning

**EXPIRY DATE:** 26 January 2015

**CASE OFFICER:** Emmanuel Allanah

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**1. NOTATION**

1.1 S.S.S.I Consultation Area and Outside Development Limits.

**2. DESCRIPTION OF SITE**

2.1 The site is a flat regular shape approximately 4 acres located between the existing residential garden of 'Wyndhams Croft' to the north and Chadham House and Red Bank to the South, to the west is the public highway which forms the frontage of the site. It is bounded on the west by residential development which has recently been approved on the former greenhouses site. To the east it is bounded by a public footpath followed by Newport Free Grammar School and its playing fields. The southern part comprised of residential properties and tree belt; and the northern part is bounded by small group of houses along Whiteditch Lane in a linear manner.

**3. PROPOSAL**

3.1 This is an outline application for the erection of 15 no. dwellings with all matters reserved except access and scale.

3.2 The proposed access would be from Whiteditch Lane from the northern side of the proposed site opposite existing residential and recently approved five dwellings houses in connection with the approved outline application registered as UTT/13/1817/OP.

**4. APPLICANT'S CASE**

4.1 The application is the result of pre-application enquiry for up to 11 to 36 dwellings with associated parking, landscaping and roads. (UTT/14/0529/PE).

4.2 The applicant has submitted the following supporting documents:

- Design and Access Statement
- Tree Survey
- Natural England Checklist
- Phase 1 Habitat Survey of Land

## **5. RELEVANT SITE HISTORY**

- 5.1 UTT/14/1543/OP; Refuse. Outline application for the erection of 14 no. dwellings with all matters reserved except access and scale.

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework

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

- Policy S7 – Outside Development Limits
- Policy GENE1 – Access
- Policy GEN2 – Design
- Policy GEN6 –Infrastructure provision

## **7. PARISH COUNCIL COMMENTS**

- 7.1 The proposed dwellings would be outside development limits

- No new houses should be built until the road infrastructure is improved. Newport Parish Council's policy on any new applications, which involve School Lane and Bury Water Lane, has always been that no new houses should be built until the road infrastructure is improved.
- The proposal includes a 5.5M road within the site which would come out on to White Ditch Lane which is 4M wide and then into Bury Water Lane and School Lane, two further narrow roads unfit for purpose. Additional housing will increase demands on the lane and lead to congestion.
- There is no footpath or pavement in the lane currently, or any planned with this proposal, the doubling of traffic caused to the lane by this application would be extremely dangerous for pedestrians.
- The distance to the Primary School and other village amenities is considered unreasonable.
- 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 or Bury Water Lane
- A proper foul water sewage system needs to be installed before any further development takes place.
- There is a significant flood risk; flooding has occurred on numerous occasions in the past and no doubt this will happen more frequently due to our changing climate. Earlier this year the junction of Bury Water Lane/School Lane was totally impassable.
- Emergency vehicles would have problems accessing the lane.
- UDC plan for 50 "windfall" houses per year. Newport seems to have had a very large share of these.
- The County Council's comments under reference CO/EGD/SD/CMJ/17069 dated 11.11.14 appear to require two accesses of 5.5 metres width. The road within the site does not appear to be 5.5metres wide throughout its length. This does not seem to meet the County Council's requirements.
- There is now an adequate supply of land and developments approved within Uttlesford to meet the five year needs of the Local Development Plan. Since this land lies outside the proposals within the Local Development Plan, as well as the

village development limits, combined with other problems associated with this site, it should be rejected.

- Seven of the proposed buildings are two and three bedroom houses, eight are four and five, Development Management Policies intended that three quarters of all new build houses in Uttlesford should be three bedroomed or less. While this policy appears to have been lost in the consultation process, it should not be lost sight of. Accordingly, this development should contain no more than four houses with four bedrooms or more.

## **8. CONSULTATIONS**

### **ECC Highways Authority**

8.1 No objection.

### **Environment Agency**

8.2 Due to insufficient information provided for the proposed flood risk assessment scheme the Environment Agency advised they are holding on their objection.

### **Flood and Water Management (SuDs)**

8.2 No objection subject to their recommended planning conditions.

### **Minerals and Waste**

8.3 No comments to make.

### **Natural England**

8.4 No objection.

### **Senior Historic Environment Officer**

No objection subject to recommended planning conditions.

### **ECC Education Authority**

8.5 In summary; considering the proposed outline development would add pressure to existing local infrastructure such as education capacity and school transport services; in order to mitigate such impact applicant would be required to make a financial contribution for early years and childcare sum of £16,675. The primary school sum would be £48,749 and the primary school transport sum would be £35,100. The secondary school sum would be £49,371 and the secondary transport sum would be £11,407.50 giving a total of £161,302.50. This would be secured through the completion of Section 106 Agreement.

### **Access and Equality Officer**

8.5 There is a requirement that all dwellings will need to meet the lifetime Homes Standards, but in addition that one dwelling will be required to meet the Wheelchair Accessible Housing Standard as set out in Appendix 2 of the SPD on Accessible Homes and Playspace. This is triggered by the number on this site. Details will need to be provided if the application is approved.

## 9. REPRESENTATIONS

- 9.1 13 Letters of objection received and in summary their common ground of objection includes the following:
- Generation of traffic on a narrow road
  - Pressure on doctors, primary school and on local amenity
  - The development is not sustainable
  - Impact on wildlife
  - Insufficient parking
  - Impact on footpath
  - It would lead to flooding
  - No gas supply in the area

## 10 APPRAISAL

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

- A The principle of the outline application (ULP Policy S7)
- B Whether the scale of the proposed outline application for 15 dwellings at this location would harm the character and appearance of the area (ULP Policy GEN2)
- C Whether the proposed flood risk assessment scheme is acceptable (ULP GEN3)
- D Traffic impact
- E Impact on local infrastructure
- F Other matters

### **A Whether the principle of residential buildings outside development limits is acceptable.**

- 10.1 Policy S7 affirms that “the countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area....”
- 10.2 In land use terms the application site is an existing paddock land adjacent to a residential dwelling known as Wyndham Croft which lies within the open countryside; hence the application site is considered to be outside development limits which Policy S7 applies; although the area is also characterised by parcels of farm land, redundant cucumber farm which also have planning permission for care home, a recent 5 market housing dwellings which form part of the proposed outline application for the care home registered as UTT/13/1817/OP. The site is also wrapped round with other residential buildings nearby in addition with an existing Newport Grammar School. In land use terms the planning history of the immediate surroundings have secured the benefit of major planning applications involving different types of residential schemes.
- 10.3 Given the location of the proposed site is easily accessible to other local infrastructure such as shops, community hall, school, Doctor’s surgery, bus services and Newport Train Station hence the proposal therefore can be considered as a sustainable development in accordance with paragraph 7 of the National Planning Policy Framework (NPPF). For example; the economic role is seen as the temporary jobs the development would create during construction stage; the Social role is seen from the point where by the proposed dwellings would provide opportunity in delivering housing needs and affordable housing which would be easily accessible to nearby local infrastructure. The Environmental role is considered as a development that would

contribute in enhancing the immediate built environment and provide housing scheme future occupiers would rely upon local infrastructure by making the proposed scheme more environmentally friendly. Hence, the principle of the outline application can be considered as a sustainable development subject to the evaluation of the outstanding reserved matters.

**B Whether the proposed scale of the 15 dwellings would harm the character and appearance of the area.**

10.4 Policy GEN2 states for example;” development will not be permitted unless its design in terms of scale, form, layout, appearance and materials are compatible with surrounding buildings...”

10.5 The area is characterised by different forms, layout, appearance, materials and scale of residential buildings ranging from bungalow, one and half storey to two storey detached residential buildings. The planning history of all the recent approved residential development in the surrounding areas also mirror the character and scale of the buildings in the area. The proposed outline application involving 15 detached dwellings with attached and detached garages mirror the scale and form of the existing character and appearance of the area. This is considered acceptable subject to the evaluation of the layout, appearance and landscaping scheme during reserved matters stage in order to assess their likely impact on the character of the area and the living condition of the adjoining occupiers; hence in policy terms the proposal in terms of scale only partly comply with Policy GEN2.

**C Whether the proposed Flood Risk Assessment Scheme is considered acceptable**

10.6 Policy GEN3 affirms that “within the functional floodplain, buildings will not be permitted unless there is an exceptional need. Developments that exceptionally need to be located there will be permitted, subject to the outcome of flood risk assessment...”. The application site lies within a designated Flood Risk Assessment Zone 1 Area in which Policy GEN3 applies

10.7 The updated applicant’s Flood and Water Management Scheme has been considered by ECC Flood and Water Management Team and on 6 February 2015 advised that the proposed drainage scheme that provides the required 498 cubic metres storage need if it is found that infiltration is not feasible at this site is considered viable and the applicant letter also provided clarification that the necessary treatment stages will be included on this site. And the ECC (Sud’s Team) further advised that outline planning permission can be granted to the proposed development subject to recommended planning condition as detailed in this Planning Committee report.

**D Traffic impact**

10.8 Policy GEN1 objective include development will be permitted provided it does not compromise road safety or harm other road users.

10.9 The Highway Authority considered the proposed access and concluded it is acceptable subject to recommended planning conditions in order to protect and safeguard other road users and traffic in the area in accordance with Policy GEN1.

**E Impact on local infrastructure**

10.10 Policy GEN6 affirms development will not be permitted unless it makes provision at the appropriate time for community facilities, school capacity, public services, transport

provision, drainage and other infrastructure that are made necessary by the proposed development. In localities where the cumulative impact of developments necessitates such provision, developers may be required to contribute to the costs of such provision by the relevant statutory authority.

10.11 The proposed outline application for 15 dwellings with scale and access has been considered by other external consultees and on balance reached a conclusion that the scale of the development would add pressure to existing local infrastructure such as education capacity and school transportation services. In order to mitigate the impact the ECC Education Authority advised applicant would need to make some agreed financial contribution for early years and childcare sum would be £16, 675. The primary school the sum would be £48,749. The secondary school sum would be £49, 371, giving a total of £114, 795 indexes linked to April 2014 costs. This financial educational capacity contribution would help to mitigate the impact on education capacity around this part of Newport area which would be secured through the completion of Section 106 Agreement. In addition, 40% of the proposed 15 dwellings would be secured for affordable housing in order to meet housing need within Newport area which would also be secured through the completion of Section 106 Agreement in accordance with Policies H9, H10 and GEN6.

## **F Other matters**

10.12 The proposed outline application for the erection of 15 no. dwellings with all matters reserved except access and scale has been considered in accordance with the adopted Local Plan (2005) and it is considered acceptable subject to recommended planning conditions including details of conditions of proposed flood defence scheme and the completion of Section 106 Agreement in addition with all the relevant recommended planning conditions in accordance with the adopted Local Plan (2005).

## **11. CONCLUSION**

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

- A. The proposed outline application with scale and access with its easy access to local services is considered sustainable. Therefore the proposal is considered to meet the requirements of the NPPF.
- B. The proposed scale would be compatible with the existing residential buildings within the area subject to the evaluation of other reserved matters.
- C. The application has all other matters reserved and therefore not all issues can be considered at this time. Highways concerns by local residents have been considered by Essex County Highways and the view is that the proposed outline application can be considered acceptable subject to the recommended planning conditions.
- D. The outline application comprising of 15 dwellings would provide different housing needs within this area of Newport which would be secured through the provision of affordable housing; in addition with agreed financial contribution towards improving the education capacity and school transport within this area of Newport. This local infrastructure would be secured through the completion of Section 106 Agreement.

**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 20 March 2015 the freehold owner enters into a binding obligation 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 obligation to secure the following:
- (i) Transfer of cleared land to the Council, free from contamination and with services and infrastructure, including access provided to the boundary of the site.
  - (ii) In the event that a care home cannot be built on the site, that the site should be used for affordable housing.
  - (iii) Pay monitoring costs
  - (iv) Pay Councils reasonable costs
- (II) In the event of such an obligation 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 obligation, the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reason:
- (i) Lack of affordable/social housing
  - (ii) And lack of education capacity and supporting local infrastructure

**CONDITIONS**

1. Approval of the details of layout, 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.
3. Before development commences samples of 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. The development shall be

implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policy GEN2 of the adopted Local Plan (2005).

4. Prior to commencement on site, the provision of 2 accesses into the site as shown in principle on Drawing No. 1 4 with minimum 5.5 metre carriageway width and visibility splays of 33 metres x 2.4 metres x 33 metres. Details to be submitted to and approved in writing with the Local Planning Authority in consultation with the Highway Authority, prior to commencement of development. The approved scheme of works shall then be implemented in its entirety prior to commencement on 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 Policy GEN1 of the adopted Local Plan (2005).

5. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with Policy GEN1 of the adopted Local Plan (2005).

6. Prior to commencement of any development, the provision of suitable access arrangements to the application site in connection with the construction of the development, to include wheel and under body cleaning facilities for the duration of the development to prevent the deposition of mud and other debris onto the highway network/public areas, turning and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site. Details to be submitted to and agreed in writing with the Planning Authority.

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

7. Prior to commencement of the development details of the estate roads and footways to accord with the Essex Design Guide (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety, efficiency and accessibility in accordance with Policy GEN1 of the adopted Local Plan (2005).

8. Prior to occupation, the provision of 3 passing bays along the site frontage of 6 metres in length. Details to be submitted to and approved in writing with the Local Planning Authority in consultation with the Highway Authority, prior to commencement of development. The approved scheme of works shall then be implemented in its entirety prior to occupation of site.



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

9. The public's rights and ease of passage over public byway 2, Newport shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policy GEN1 of the adopted Local Plan (2005).

10. No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

REASON: In order to protect and safeguard the preservation in situ of locally important archaeological remains in accordance with Policy ENV4 of the adopted Local Plan (2005).

11. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

REASON: In order to protect and safeguard the preservation in situ of locally important archaeological remains in accordance with Policy ENV4 of the adopted Local Plan (2005).

12. No development or preliminary groundwork's can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors

REASON: In order to protect and safeguard the preservation in situ of locally important archaeological remains in accordance with Policy ENV4 of the adopted Local Plan (2005).

13. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three 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 order to protect and safeguard the preservation in situ of locally important archaeological remains in accordance with Policy ENV4 of the adopted Local Plan (2005).

14. No development approved by this planning permission shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details in the Flood Risk Assessment referenced 407.05186.00001 and subsequent letter dated 2nd February.

REASON: In order to prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall

events and ensure the system operates as designed for the lifetime of the development in accordance with Policy GEN3 of the adopted Local Plan (2005).

15. In order to discharge the surface water condition, the following information must also be provided based on the agreed drainage strategy:

- Infiltration test results and test locations in accordance with BRE 365.
- Testing of groundwater levels at different locations across the site.
- A detailed maintenance regime highlighting how all parts of the surface water drainage scheme will be maintained.
- A detailed plan showing the final drainage strategy for this site which includes either infiltration or storage for the proposed 1.05l/s discharge rate. Treatment stages will also need to be detailed on any drainage plan.
- A plan detailing where exceedance flows above the 1 in 100+30% will be directed.

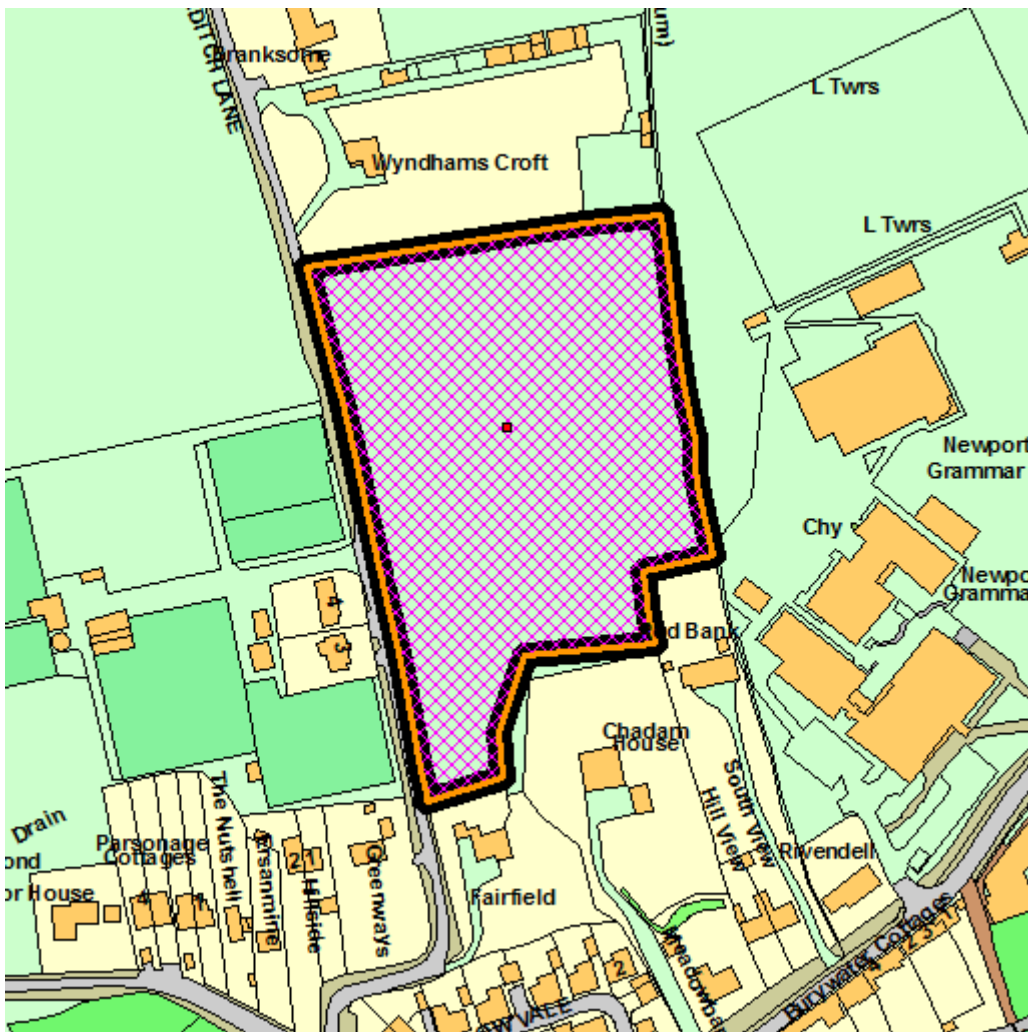
REASON: In order to prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall events and ensure the system operates as designed for the lifetime of the development in accordance with Policy GEN3 of the adopted Local Plan (2005).

16. Prior to the implementation of the hereby approved outline development there is a requirement that all dwellings will need to meet the Lifetime Homes Standard, but in addition that one dwelling will be required to meet the Wheelchair Accessible Housing Standard as set out in Appendix 2 of the SPD on Accessible Homes and Playspace. This is triggered by the number on this site. Details will need to be provided if the application is approved.

REASON: In order for the outline approved development complies with the adopted Supplementary Design Guidance and Supplementary Planning Documents in accordance with Policy GEN2 of the adopted Local Plan (2005).

Application no.: UTT/14/3266/OP

Address: Land South of Wyndhams Croft, Whiteditch Lane, Newport.



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Organisation: Uttlesford District Council

Department: Planning

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