

UTT/15/1664/FUL (NEWPORT)

(MINOR APPLICATION)

Referred to Committee by Cllr Joanna Parry. Reason: On the grounds of highway issues, capacity of physical infrastructure and deficiencies in social facilities and lack of school places.

PROPOSAL: Removal of existing structures and erection of 2 no. detached dwellings and garages.

LOCATION: Land rear of Branksome Whiteditch Lane Newport Essex
CB113UD

APPLICANT: Mr P Frost

AGENT: Pelham Structure Ltd

EXPIRY DATE: 30 July 2015

CASE OFFICER: Emmanuel Allamah

1. NOTATION

1.1 Aerodrome Direction. SSSI Consultation Areas. Water Authority. Outside Development Limits.

2. DESCRIPTION OF SITE

2.1 The application site comprises of the land at the rear of a dwelling house known as 'Branksome'. The land also comprised of existing stable buildings and large riding arenas which sits between the substantial outbuildings on both the neighbouring properties. In land use terms it is part of the designated area of open countryside.

3. PROPOSAL

3.1 The proposal would involve the removal of existing structures and erection of 2 no. detached dwellings and garages.

3.2 The application site comprised of two existing access serving Branksome. The south most point along the frontage would be retained to serve the existing house; and that to the north, which currently serves the stables and riding arenas, would be used for the two proposed dwellings.

4. APPLICANT'S CASE

4.1 The application is supported with Design and Access Statement justifying why the proposed development should be considered acceptable.

5. RELEVANT SITE HISTORY

5.1 UTT/007/95/FUL. Approve with condition. Single storey extension.

5.2 UTT/0235/74. Approve with condition. Erection of one detached dwelling.

- 5.3 UTT/0829/74. Approve with condition. Erection of residential bungalow at Part 0.61 Whiteditch Lane
- 5.4 UTT/14/1794/OP. Refuse. Outline application with all matters reserved for 15 residential units (incorporating alterations to access road and garage position previously approved dwelling under Ref: UTT/13/2973/FUL).
- 5.5 APP/C1570/W/15/3003038. Planning Appeal allowed for the development as 215 no. new build residential units (incorporating alterations to access road and garage position previously approved dwelling under Ref: UTT/13/2973/FUL).
- 5.6 UTT/1932/03/FUL. Approve with condition. Proposed rear garden room and insertion of front bat window.

6 POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S7 The Countryside
- Policy GEN1 Access
- Policy GEN2 Design
- Policy GEN7 Nature Conservation
- Policy GEN8 Vehicle Parking Standards
- Policy ENV4 Ancient Monument and Sites of Archaeological Importance
- Policy ENV3 Open Spaces and Tress
- Policy ENV5 Protection of Agricultural Land
- Policy ENV8 Other landscape elements of importance for nature
- Policy ENV14 Contaminated land
- Policy H4 Backland development

7 PARISH COUNCIL COMMENTS

- 7.1 The proposed dwellings would be outside development limits and would be 1.5 and 2.5 storeys high behind a bungalow.
- 7.2 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 is improved.
- 7.3 Additional housing will increase demands on the lane and lead to congestion.
- 7.4 There is no footpath or pavement in the lane which is extremely dangerous for pedestrians.
- 7.5 The distance to the Primary School and village amenities is considered unreasonable.
- 7.6 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 Whiteditch Lane or Bury Water Lane.
- 7.7 A proper foul water sewage system needs to be installed before any further development takes place.
- 7.8 There is a significant flood rias; earlier this year the junction of Bury Water Lane/School Lane was totally impassable.
- 7.9 Emergency vehicles would have problems accessing the Lane.
- 7.10 UDC plan for 50 "windfall2 houses per year. Newport seems to have had a very large share of these.

- 7.11 Please carry out a format site visit before making a decision on this application and ensure that the visit is on a day when the Joyce Frankland Academy is open.

8 CONSULTATIONS

ECC Highways Authority

- 8.1 No objection but recommended appropriate planning conditions.

ECC Ecologist Consultant

- 8.2 No objection. The site has been used as an equestrian facility for 30 years. The paddocks have been continually grazed and the stables are unsuitable for use by roosting bats because they are open to the frontage. The applicant should be aware of the legislation surrounding nesting birds and should not carry out any tree felling or building demolition between March and September unless the structure/tree has first been checked for nesting birds by ecologist. Active nests should be left alone with a sufficient buffer until the young have fledged.

BAA Aerodrome Safeguarding

- 8.3 There are no safeguarding concerns for Stansted Airport.

9 REPRESENTATIONS

- 9.1 Two letters of objection received based upon the following issues:

- 9.2 This development constitutes backfill as it sits to the rear of Branksome and neither house has direct frontage to the Lane. The proposed houses are situated further back from the byway than the average distance of other houses on the Lane. Previous applications in this locality have been withdrawn (at a cost to the applicants) on the basis that Officers advised that permission would not grant for backfill development in this location. This application would set a precedent for such backfill. If permission were to be granted then the Planning Authority would not be fulfilling its duties to be fair, consistent and non-bias in its application of the Planning regulations.

No flood risk assessment has been undertaken and this is a significant worry given that the Branksome site itself is prone to flooding. Current owners recognise this as they have built a lip to the entrance of their driveway to prevent water from the opposite farmers field, which is frequently waterlogged, flowing into their property. There is also substantial flooding on the Lane adjacent to the property during winter. The application makes great play of the fact that the two houses sit lower than the front property but does not explain how flooding will be prevented.

There is a knock on effect to this development should this flooding issue not be addressed as houses in Willow Vale frequently experience problems when the ford at the bottom of the Lane, Wicken Water (a water course not mentioned in the application) floods and sewage spills into their gardens. The application form for this development has sewage disposal unknown and therefore there is no indication as to how sewage will be prevented from spilling into adjacent properties.

Access on to the Lane by more than one property at the point shown in the site plan is dangerous as the applicants themselves indicate that there are a number of outstanding applications for development opposite and adjacent to Branksome. One such development, made by the applicants themselves and yet to be resolved at appeal, is for 14 houses, (surprisingly this is not referred to in this application- only reference is made to the single dwelling already approved).

This development alone would mean that immediately opposite the entrance to the proposed 2 houses another 30+ cars would be entering a single track BYWAY. Is this an acceptable traffic load at a single point adjacent to a blind bend?

Also only a few 10s of meters north of the proposed development another application is outstanding for 12 houses. The applicant's agent has been very selective in the use of the information regarding surrounding applications and their impact on the locality.

Essex Highways have recently made a statement as to the status of Whiteditch Lane to the effect that it is a Byway and therefore is suitable for pedestrians, horses, cyclists and light traffic only. Given that one proposed property is 6 bedroomed and the other is 4 this additional traffic load on the Lane would not appear to be sustainable and is not insignificant as stated by the applicant's agent. The inspector, reporting on a local planning appeal, states that the Planning Authority must take into account the cumulative effect of developments or proposed developments and not treat each application on its own. This would appear to be also applicable here.

Whiteditch Lane is a single track BYWAY and enters Bury Water Lane via a dangerous bend.

This road then passes through the local split site secondary school. There are no footpaths on Whiteditch Lane. Horse-riders, ramblers, dog walkers and joggers are frequent users. Any more development however small within this area will increase the danger to local people, particularly schools or just enjoying the rural countryside. The NPPF 2012 that the agent cites requires developments outside permitted limits to address social, economic need and not be detrimental to the environment. It also states that there needs to be suitable provision within the local infrastructure. There is no attempt within this application to contribute to the local infrastructure to alleviate shortfalls in the road systems or in local services. Essex Education Services have already stated that local children will soon need to be bussed to alternative primary and secondary schools due to the increase in population through developments already agreed. Anglian Water states that the sewage system within this area is already to capacity.

There is no social need within the village for 6 or 4 bedroomed houses and this application does not meet the demand for affordable homes. The contribution to the economic well-being of the locality will be short lived once the development finishes whilst if maintained as an equestrian facility may provide on-going employment.

The houses are not in-keeping with the locality, particularly the (effectively) 3- storey 6 bedroomed house, even if as the applicant suggests it is screened from the Lane by the existing bungalow.

The site is over developed in relation to other plots on the Lane. The site is situated in a rural position overlooking the River Cam valley with a view across to Shortgrove, a location of natural beauty. It is not as implied by the applicant's agent in an urban setting.

There also needs to be a longitudinal study of the impact on the local wildlife within the area and although the site does not sustain a bat habitat there are bats locally, as detailed in other surveys undertaken for planning permissions, that use the site as a food source, particularly as the equestrian usage produces a wealth of insect life. Also more recently, after years of no sightings, badgers and hedgehogs have been seen along this part of the Lane. This should be taken into account when considering this application. There does not appear to be an ecological survey undertaken to ascertain whether the local ditches, springs and water sources support newts or

Toads Given all these factors that have a negative impact on the current amenities, including health and safety, of local residents and Newport village as a whole, I request Officers and Members to reject this application.

10 APPRAISAL

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

- A Whether the principle of the proposal is sustainable (NPPF, ULP Policy S7)
- B The impact on the character of the open countryside (ULP Policies S7 and GEN2)
- C The Ecological impact (NPPF, ULP Policy GEN7)
- D The Heritage impact (ULP ENV4)
- E Access and Highways impact (ULP Policies GEN1 and GEN8)
- F Other matters

A Whether the principle of the proposal is sustainable (Paragraph 7 of the National Planning Policy Framework (NPPF) and ULP Policy S7)

- 10.1 Applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 10.2 Paragraph 7 and 17 of the National; Planning Policy Framework set out the presumption that development which is sustainable should be approved without delay. The three dimensions to sustainable development are economic, social and environmental, and the NPPF stresses that these roles should not be undertaken insolation. To achieve sustainable development, all three should be sought jointly and simultaneously through the planning system.
- 10.3 In land use terms the application site is outside development limits although in close proximity with other residential settlements, local services, train station and access to local bus routes.
- 10.4 The National Planning Policy Framework in paragraph 7 affirms that in order to achieve sustainable development, all three factors of economic, social and environmental roles of the planning system should be sought jointly and simultaneously.
- 10.5 In the case of the current proposed two dwellings the economic role is seen from the perspective where it would create a temporary job opportunity during construction stages only. And after the completion the occupiers will add to the number of those with purchasing power that would make use of the local services and infrastructure within the Newport area. For example; increase in the pupil school place, using local shops, Doctor Surgery and other services within Newport.
- 10.6 The Social role of the development include the increase of housing need in the local area of Newport and thereby adding to the housing stock required to support strong, vibrant and healthy communities in Newport. Such proposed two dwellings would not be prejudicial to the Five Year Housing Land Supply currently advocated by Uttlesford Council.
- 10.7 In terms of the environmental role the proposal would improve and enhance the natural environment through the proposed landscape strategy shown in the scheme which would help to support wildlife and biodiversity.
- 10.8 At the time of assessing this proposal, although each application is determined on their own merit my attention has been drawn to the recent Planning Appeal allowed (UTT/14/1794/OP) for 15 new dwellings incorporating alterations to access road and garage position of previously approved dwelling under reference UTT/13/2973/FUL. This is considered as a relevant planning consideration in weighing the benefit of this proposal against any harm.

B The impact on the character of the open countryside in terms of its scale, form, layout, appearance and materials (ULP Policies S7 and GEN2)

- 10.9 Policy S7 states that 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. 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 development in the form proposed needs to be there.
- 10.10 This is a full planning application involving the erection of 2 no. of dwellings with the proposed access and their respective layout, form, appearance, materials and design details in which policy GEN2 applies.
- 10.11 Policy GEN2 affirms that development will be permitted if the scale, form, layout, appearance and materials is compatible with surrounding buildings; and provided it would not harm the living condition of the adjoining occupiers.
- 10.12 The two proposed dwellings would be 1.5 storey high and the area is characterised by different form, layout, appearance, height, mass, materials and designs of residential buildings ranging from bungalows, two storey detached dwellings and 1.5 storey dwellings.
- 10.13 The topography of the surrounding area and features determines how each residential building is designed to respond to the character of the area. In the case of this two proposed 1.5 storey detached dwellings responded well to the topography of the area in terms of the proposed height because the rear of Branksome sloped down which provided opportunity to ensure that the proposed two dwellings height would not be higher compared to the Branksome dwelling.
- 10.14 Given the nature of different design approach and materials used in the construction of the surrounding buildings; in order to ensure the proposed development is sympathetic to the visual amenity of the area, the proposed houses would use vernacular materials of light painted render, boarding and clay tiles. All joinery would be of painted timber, with some exposed oak features, such as the porch on plot 2 and plot 1. These external facing materials would be condition so that the Council would ensure they respect the visual amenity or responded positively to the appearance of the existing nearby residential dwellings in accordance with Policy GEN2.
- 10.15 The distance of the two proposed two dwellings and in consideration with their height, layout and form would not harm the living condition of the adjoining occupiers in terms of overlooking, overbearing or overshadowing. The proposed landscape details and boundary treatment would help to safeguard the amenity of the adjoining occupiers.
- 10.16 The design approach embraced the sustainability element by providing and including ample space on site for secure cycle storage and refuse and recycling facilities. This is welcome because it is considered to be environmentally friendly in accordance with Policy GEN2.
- 10.17 Given that the proposed site is in sustainable location, the proposed design approach and scale of the two buildings are considered acceptable because they would not be in conflict with the character of this part of the open countryside subject to condition that would ensure that the proposed external facing materials would not harm the visual amenity or character or appearance of this part of open countryside which also comprised of other existing residential dwellings of different designs and scale.

10.18 In conclusion, considering that the site is located within a sustainable location as demonstrated through the three factors above namely economic, social and environmental on balance the proposal can therefore be considered to be sustainable in accordance with para. 7 of the NPPF. And the proposed two dwellings which need to be there to support the housing need required for Newport and its vibrant communities is not considered to harm the appearance or character of this part of the open countryside subject to the recommended planning conditions

10.19 Policy H4 states that development of a parcel of land that does not have a road frontage will be permitted subject to the criteria of this policy.

10.20 Despite the application site is located at the rear side of Branksome, overall it complies to all the policy criteria considering that the proposed development would make use of the existing access serving the stables. And given the location, form and design of the proposal it would not lead to overlooking, overbearing or cause disturbance to nearby properties.

C Ecological impact (Paragraph 118 of NPPF and ULP Policy GEN7)

10.21 Paragraph 118 of the NPPF affirms that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity.

10.22 Policy GEN7 affirms that development that would have harmful effect on wildlife or geological features will not be permitted unless the need for the development outweighs the importance of the features to nature conservation.

10.23 The Essex County Council Ecologist Consultant did not raise objection to the proposal, although recommended appropriate measures to ensure wildlife are protected and this would be secured through planning condition.

D The Heritage impact (ULP ENV4)

10.24 The application site lies within an area of archaeological zone which might comprise of sensitive historical environment assets which paragraph 131 and 132 of the National Planning Policy Framework advocates in protecting and safeguarding.

10.25 In consultation with the Essex County Council Archaeological Officer advice that prior to the implementation of the approved development measures to safeguard the historical remains within the site should be secured and such mitigating measures would be secured through planning condition in accordance with Policy ENV4.

E Access and Highway impact (ULP Policy GEN1 and GEN8)

10.26 The submitted Planning Statement in addition with the proposed plans shows that there are two existing vehicular access points serving Branksome. The southernmost point along the frontage would be retained to serve the existing house; and that to the north, which currently serves the stables and riding arenas, would be used for the two proposed dwellings. And turning area would be provided within the curtilage of each property.

10.27 Having consulted the Highways Authority and they advised that they do not have any objection to the proposal instead recommended appropriate planning conditions to safeguard traffic in the area in accordance with Policies GEN1 and GEN8.

F Other matters

10.28 The application would involve the development of two dwellings with their respective off-street car parking facilities. A full consideration has been given to all the respective planning permissions for the development of residential dwellings in this immediate area in addition with the recent planning appeal allowed for 15 dwellings as illustrated above and in the opinion of your Planning Officer the proposed two dwellings would not adversely harm the local environment.

10.31 The proposed scheme is not within the threshold of Policy GEN6 that will enable the Planning Officer to secure funding for financial contribution towards education capacity that would be induced following the completion of the two dwellings and as the proposal is considered as a sustainable development it is not in conflict with para. 7 of the National Planning Policy Framework

10.32 Given that the site is currently in use as part of stables and horse riding arena and if the land is to be used for residential development information regarding the contamination state of the land would need to be submitted and approved by the Council prior to the implementation of the approved two dwellings; in order to protect the amenity of the future residents of the two houses. Such mitigation measures would be condition in accordance with Policy ENV14.

11 CONCLUSION

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

- A The principle of the proposal is considered acceptable because the development is easily accessible to local infrastructure such as school, Doctor's surgery, Train Station, Bus services, local shops and other community facilities; hence it can be considered to be a sustainable development in accordance with paragraph 7 of the National Planning Policy Framework.
- B The development would not adversely harm the character of this part of the open countryside considering its proximity to existing settlement; the layout, form, height, mass, appearance and materials are compatible with the surrounding buildings subject to the recommended planning conditions.
- C The proposal would not harm the ecological features of the area and with the use of the recommended planning condition any archaeological findings would be secured.
- D Given that the proposal only would involve the development of two dwellings which would use the existing access off Whiteditch Lane and with the recommended planning condition in place from the Highways Authority the proposal would not harm other road users. The number of the dwellings proposed would not adversely have any implication to education capacity.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/Refusal 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. 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. Thereafter 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).

JUSITIFCATION: The details of materials would need to be submitted for approval prior to the commencement of the development to ensure that the resulting appearance of the development is safeguarded and the amenity of the surrounding locality is protected.

- 3 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 to and approved by the local planning authority.

REASON: The Historic Environment Record shows that the proposed development lies on the edge of the highly archaeologically sensitive area of the medieval town of Newport (Essex Historic Environment Record 376). The proposed development lies just outside the suggested limits of the medieval town, however, there is documentary evidence of a castle being in the vicinity (EHER 234). Initially thought to be in the area of the school, however, excavations here have failed to identify any remains. There is a wide range of prehistoric through to medieval deposits in the immediate area of Newport. Trial trenching on land to the west of the development area has recently identified evidence of Iron Age occupation which is likely to extend into the development area (EHER 48597).

JUSTIFICATION: The mitigation measures would need to be submitted for approval prior to the commencement of the development to ensure that any archaeological findings within the site are protected and safeguarded.

- 4 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy GEN1 of the adopted Local Plan (2005).

JUSTIFICATION: In order to protect and safeguard other users.

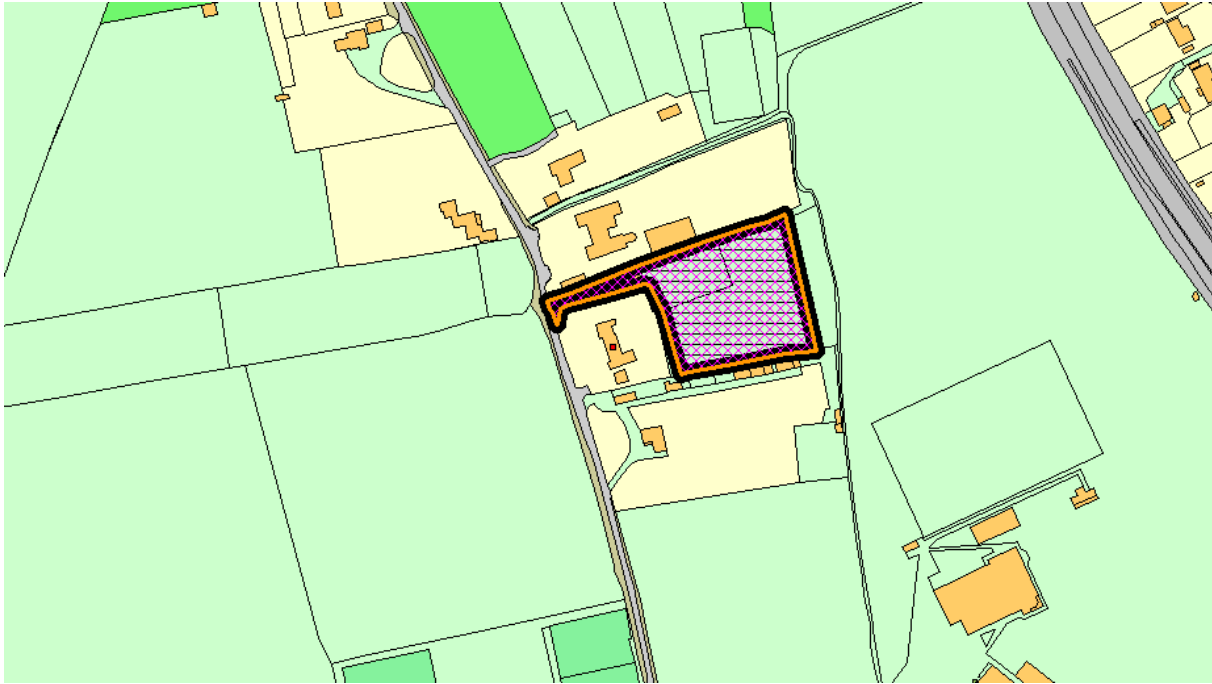
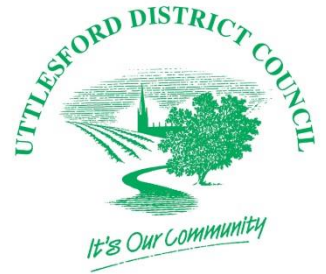
- 5 Construction of the development hereby permitted shall not commence until a scheme of brick walls and close-boarded fences at least 1.8m high has been submitted to and approved by the local planning authority in writing. The heights of these walls and fences shall be measured from whichever side the ground level is higher. Such walls and fences shall be erected in accordance with the approved scheme before any dwelling [building] [extension] is first occupied.

REASON: To protect the amenities of neighbours in accordance with Policy GEN2 of the adopted Local Plan (2005).

JUSITIFCATION: The details of materials of the proposed fence would need to be submitted for approval prior to the commencement of the development to ensure that the resulting height would not harm the amenity of the adjoining occupiers.

Application number: UTT/15/1664/FUL

Address: Land rear of Branksome Whiteditch Lane Newport



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Organisation: Uttlesford District Council

Department: Planning

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