

## UTT/15/2152/FUL - NEWPORT

**MINOR APPLICATION** (Referred to Committee by Cllr Parry. Reason: The site is outside development limits, traffic generation and the impact on the character and appearance of the Area.)

**PROPOSAL:** One proposed dwelling and garage.

**LOCATION:** Land at Bishops Way, London Road, Newport, Essex

**APPLICANT:** Mr and Mrs N P Bishop

**AGENT:** New World Architectural

**EXPIRY DATE:** 29 October 2015

**CASE OFFICER:** Emmanuel Allamah

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### **1. NOTATION**

1.1 Outside Development Limits. Aerodrome Direction. Appeal Polygons. Road Classification Line. SSSI Consultation Areas and TPO Areas.

### **2. DESCRIPTION OF SITE**

2.1 The application site is a parcel of grassed and vegetation area and some of it has recently to make way for the current proposal. The site is located at far rear end of properties to the east namely the rear gardens of Willow Chase and Chesterton House. The western and northern part of the site is bounded by open countryside and farmland. The eastern side is bounded by some vegetation, trees and hedgerows separating it from residential buildings accessed from London Road. The southern part of the site is bounded by the rear garden of the residential properties facing London Road.

### **3. PROPOSAL**

3.1 The construction of one dwelling and garage.

3.2 The access would be through an existing unmade track road described as Bishop's Way via London Road.

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

4.1 Applicant supported the proposed development through a Design and Access Statement which demonstrated that the proposed dwelling and garage would not adversely harm the character and appearance of the area or the amenity of the adjoining occupiers.

### **5. RELEVANT SITE HISTORY**

5.1 UTT/14/3625/FUL. Refuse. Erection of 3 dwellings and associated parking.

5.2 UTT/0422/11/FUL. Approve with condition. Erection of two storey five bedroom dwelling.

5.3 UTT/0548/09/FUL. Approve with condition. Construction of one dwelling

## **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 ENV3 – Open Spaces and Trees
- Policy ENV7 – The protection of natural environment designated sites
- Policy H4 – Backland development

## **7. PARISH COUNCIL COMMENTS**

### **7.1 Object to the proposal on the following grounds:**

- The proposed dwelling would be outside development limits.
- There is no such road as "Bishop's Way" so the application is incorrect and should be corrected.
- No new houses should be built until the sewage system has been improved and the problems addressed.
- The UDC Building Control Certificate confirming that work commenced on the foundations in 1997 (UTT/0362/97/FUL) has not been provided.
- Drainage/Rainwater harvesting. It is not clear on the detail how this would be harvested and prevention of
- Additional runoff caused by porous surfaces being replaced by concrete and tile.
- The road surface should be properly formed to comply with ECC standards. The plans do not specify any
- Footpath to the site which would comply with EEC standards or disability requirements. The close proximity of the bus stop near to the entrance affects sight lines and access in general.
- UDC plan for 50 "windfall" houses per year. Newport seems to have had a very large share of these.
- A site visit would be desirable so that members of the committee can readily understand the issues.

## **8. CONSULTATIONS**

### **Essex County Council Highways Authority**

8.1 No objection.

### **UDC Environmental Health Officer**

- 8.2 The site is approximately 200 metres from the M11 motorway which may result in adverse noise impact on the dwelling. No noise impact assessment has been submitted. Recommend glazing condition.

### **ECC Ecologist Consultant**

- 8.3 No objection subject to recommended planning condition.

### **Access and Equalities Officer**

- 8.4 No objection.

## **9. REPRESENTATIONS**

- 9.1 Four letters of objection received due to the following reasons:

- The proposal is located outside development contrary to Policy S7
- Access road is of great concern and would generate nuisance
- It would affect the character of the area
- It would lead to overlooking and overbearing
- It would harm local conservation

## **10. APPRAISAL**

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

- A Whether the principle of the proposed development within designated open countryside is acceptable (National Planning Policy Framework (NPPF) and ULP Policy S7)
- B Whether the scale, mass, form, layout, appearance and materials would harm the character or the amenity of the area (ULP Policies GEN2, and H4)
- C The impact on nature conservation (ULP Policy GEN7)
- D The traffic impact (ULP Policies GEN1 and GEN8)
- E Other matters

### **A Whether the principle of the proposed development within a designated open countryside is acceptable (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 National Planning Policy Framework stresses that these roles should not be undertaken in isolation. To achieve sustainable development, all three should be sought jointly and simultaneously through the planning system.

- 10.3 The Economic role of the proposed one dwelling and garage is seen from the perspective of creating a temporary local job during construction stages and the attraction of off purchasing power that would be beneficial from local services in terms of the future occupiers of the dwelling.
- 10.4 The Social role is the creation of one family dwelling which would add to the special housing need required within this part of Newport to support the strong, vibrant and healthy communities of Newport. Although such one dwelling might be prejudicial to the Five Year Housing Land Supply the Council currently advocates. On balance the Social benefit or role of the proposal would be harmful to the character of this part of the open countryside.
- 10.5 In terms of the Environmental role, the proposal whilst providing housing need it would also be harmful to the natural environment and vegetation which forms part of the features of this part of open countryside. Such encroachment to the open character of the Countryside failed to demonstrate why should be there as it would not enhance the character of this part of the open countryside.
- 10.6 Policy S7 affirms 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.
- 10.7 The planning history of the site reveals that the principle of one dwelling was granted, although not implemented, and has since lapsed. The two respective planning applications comprised of (UTT/0422/11/FUL) for the erection of new dwelling and garage; and (UTT/0548/09/FUL) for the construction of a dwelling to the rear of the site 'Willow Chase'.
- 10.8 Given that the current proposal for one dwelling and garage, and taking into account the previous consent and the reasons for refusal of the previous three dwellings, on balance the principle of the current proposal is considered acceptable. Given the exact location it would not be prejudicial to the Policy S7 and the Council's Five Year Housing Land Supply.

**B Whether the scale, form, layout, appearance and materials of the proposed development would be compatible with surrounding buildings (ULP Policy GEN2)**

- 10.9 Policy GEN2 states that development for example will be permitted if the scale, layout, form, appearance and materials are compatible with surrounding building; if it provides an environment, which meets the reasonable needs of all potential users or does not materially affect the living condition of the adjoining occupiers in terms of loss of privacy, overbearing or overshadowing.
- 10.10 The current proposal would involve the erection of two storey dwelling with detached garage. The footprint of the proposed ground floor is approximately 11.5m in length and 17m in width. This is considered to be substantial given its location compared to adjoining properties.
- 10.11 In terms of safeguarding the amenity of the adjoining properties; the proposed development distance to recently completed residential dwelling located at the rear of Chesterton House is approximately 25.5m and this is sufficient to safeguard the amenity of the occupiers of the new completed dwelling considering the configuration of the proposed scheme and location. The distance of the proposed dwelling to

residential property described as Braeside is approximately 28m and given the existing trees and vegetation screening the occupier of the Braeside the proposed development by virtue of its scale and layout would not harm the amenity of those occupying Braeside. The proposed scheme provides adequate amenity area garden area to support the proposed one dwelling. Such amenity space is considered sufficient for a 4 bedroom dwelling as it exceeds Council standards.

10.12 Policy H4 affirms that development of a parcel of land that does not have a road frontage will be permitted subject to the following criteria.

- There is significant under-use of land and development would make a more effective use of it; in the case of this proposal the land in question is located outside development limits which is considered as open countryside. The applicant did not show why such proposed scheme in such location needs to be there or any reason why it should be there. In the absence of any of such justification it can be concluded that the proposal would be contrary to Policy S7. The reason being that open countryside cannot be seen as under used land in this context.
- There would be no material overlooking or overshadowing of nearby properties; the current proposal in terms of its location, layout and distance to neighbouring properties is considered acceptable because it would not lead to overlooking or overbearing or overshadowing.
- Development would not have an overbearing effect on neighbouring properties; given the above distance to neighbouring properties it can be concluded it is sufficient to overcome the impact of any overbearing.
- Access would not cause disturbance to nearby properties. The only access leading to the proposed site is currently in use by other residential dwellings using this Bishop's Way. Some of the concerns raised by the users of this access road relate to the existing congestion whenever they are required to bring out their bins on collection day. All residents would need to bring their bin very close to the point where Bishop's Way meets London Road. Whilst this is a concern it is not sufficient reason to refuse the proposal considering there is no objection from Highways Authority.

### **C The impact on Nature Conservation (ULP Policy GEN7)**

10.13 The application site is part of the open countryside with features like trees, plants and other vegetation which could be provided a safe haven for wildlife. Essex County Council Ecologist suggested that any retention of trees to the boundary should accord to BS 5837 (2012) Trees in relation to design, demolition and construction recommendations. In terms of Nature Conservation, it is considered that the proposal would erode the features that can provide safe haven to wildlife associated to the character of the open countryside.

### **D The impact on traffic (ULP Policies GEN1 and GEN8)**

10.14 The proposed access would be through the existing access (Bishop's Way) serving existing residents. The Highways Authority did not raise objection to the proposed access because it is not considered to be in conflict with Policy GEN1.

### **E Other matters**

10.15 The principle of allowing one dwelling which is in close proximity to existing settlement area and which would not adversely harm the character or the amenity of the area; it is considered on balance it would not be prejudicial to the Council's Five Year Housing Land Supply or it would not be prejudicial to the Policy S7 objective.

## 11. CONCLUSION

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

- A The planning history of the site relating to the two separate applications for one dwelling that was approved but not implemented; it is considered as a relevant planning issues which suggests that the current proposed one dwelling in principle can be considered acceptable within this part of the open countryside that is close to settlements in Newport area.
- B The proposed scale, mass, layout, form, appearance and materials of the proposed dwelling would not harm the living condition of the adjoining properties or the character of the area.
- C The proposed access with the recommended planning conditions would not adversely affect traffic in the area.

### **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 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).

JUSTIFICATION: 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 The glazing and ventilation specification shall be designed to protect the bedrooms from external noise, with provision for ventilation, to the following target 23:00- 07:00 not exceeding 30dB LAeq and 45dB LA max. The glazing shall be submitted prior to the first occupation of the approved dwelling.

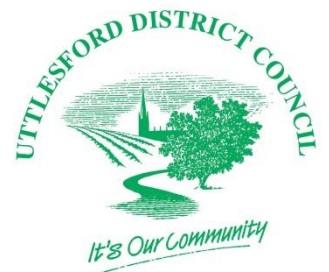
REASON: In order to protect and safeguard the amenity of the occupiers of the approved dwelling from noise generation from M11 Highway in accordance with Policies GEN2 and ENV10 of the adopted Local Plan (2005).

- 4 Details of the boundary treatment details (including those to be retained) shall be submitted to and approved to the Local Planning Authority prior to the implementation of the approved one dwelling. The boundary details shall be carried out in accordance

with the approved details within the first planting season following the occupation of the dwelling.

REASON: In order to protect and safeguard the character of the open Countryside and the amenity of the adjoining occupiers in accordance with Policies GEN2 and S7 of the adopted Local Plan (2005).

JUSTIFICATION: The boundary treatment details are fundamental to the development, and could be prejudiced if development is allowed to occur prior to the agreement of details



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Location: Land At Bishops Way (r/o Willow Chase) London Road Newport

