

UTT/15/2460/OP (NEWPORT)

(MINOR)

PROPOSAL: Outline application with all matters reserved except access for the demolition of existing dwelling and erection of 7 No. dwellings.

LOCATION: Redbank, Bury Water Lane, Newport

APPLICANT: Mr & Mrs Sivell.

AGENT: Landmark Town Planning Group.

EXPIRY DATE: 12 October 2015

CASE OFFICER: Mr C Theobald

1. NOTATION

1.1 Part within / Part outside Development Limits / adjacent to conservation area.

2. DESCRIPTION OF SITE

2.1 The site is situated on the north side of Bury Water Lane and comprises a narrow, rectangular and sloping residential plot of land of approximately 0.27 ha. containing a single dwelling (Redbank) which stands to the rear of the frontage properties South View and Hill View to the immediate west of the Joyce Frankland Academy. The site is accessed from Bury Water Lane by a long single width tarmac entrance drive which runs between South View and Rivendell, whilst a public footpath runs parallel with the drive from Bury Water Lane past the site along its eastern banked boundary and continues in a northwards direction alongside the side boundary with the school through to the top of Whiteditch Lane. The dwelling on the site is positioned in a slightly elevated position towards the enclosed rear boundary, whilst the front of the site is set mainly to grass either side of the approach drive. The top (northern) end of the site has a measured datum point of 68.71 metres, whilst the bottom (southern) end of the site onto Bury Water Lane has a datum point of 59.76 metres (difference of 8.95 metres). Chadam House is situated to the side of the site in a set-back position on its west side, whilst Wyndham Croft lies to the immediate rear.

3. PROPOSAL

3.1 This revised outline application proposal relates to the erection of 7 No. detached 4+ bedroomed dwellings with associated parking, amenity areas and formation of new access road from Bury Water Lane involving the demolition of the existing dwelling. The indicative drawings submitted with the application show that the dwellings would be 2½ storied in height (albeit 3 storey in reality) with an indicated ridge height of 8.4m and having a traditional design and appearance in the Essex Design Guide style. The dwellings for Plots 1 and 2 would stand at the head of the site behind a rear turning head, whilst the dwellings for Plots 3 to 7 below would stand in a line parallel with the access road leading down to the rear boundary with South View and Hill View. The dwellings would appear in stepped fashion taking into account the sloping nature of the site.

4. APPLICANT'S CASE

- 4.1 A Design & Access Statement has been submitted with the application which sets out the planning background to the revised application, the site context, design rationale, access considerations and reference to Lifetime Homes. The application is also accompanied by a Transport Statement which assesses the transport impacts of the proposed development, including whether an acceptable vehicular access can be achieved at the site.

5. RELEVANT SITE HISTORY

- 5.1 An outline planning application for the erection of 10 no. dwellings with new access road with all matters reserved except access involving the demolition of the existing dwelling at Redbank was refused planning permission under the Council's delegated powers on 13 March 2015 under ref; UTT/14/3265/OP. The indicative drawings submitted with that application showed that the dwellings would have been mainly in the form of a terrace of 3 storey town houses with car parking underneath (4 storey height in reality) running up the site facing onto the access road with a further terrace facing back down the road at the head of the access road. The officer report for the application concluded that this type of residential development for the site would not be in keeping with the existing character of the area, including the built form along Bury Water Lane and that the application details did not contain any mitigating measures to address the accumulative impact of the development upon local infrastructure, such as provision of affordable housing. The application was thus refused for the following reasons:

1 The proposed illustrative drawing showing 10 no. town houses comprising of two and three and half storey residential buildings would not be compatible with the character of the area and its immediate built environment in terms of the siting, form, scale and appearance of the dwellings contrary to ULP Policies GEN2 and H3 of the adopted Uttlesford Local Plan (2005).

2 The proposed illustrative drawing for 10 town houses within this part of Newport would adversely add pressure to local infrastructure in the absence of any agreement for the provision of affordable housing and financial contributions to mitigate the education capacity impact and the provision of affordable housing within Newport. The proposal is therefore contrary to ULP Policy GEN6 of the adopted Uttlesford adopted Local Plan (2005).

- 5.2. A subsequent appeal against the Council's decision was subsequently withdrawn on 28 August 2015. The current revised application arises from the withdrawal of that appeal.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- ULP Policy S3 – Other Settlement Boundaries
- ULP Policy S7 – The Countryside
- ULP Policy H3 – Infilling with new houses
- ULP Policy H4 – Backland Development
- ULP Policy H9 – Affordable Housing

- ULP Policy H10 – Housing Mix
- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design
- ULP Policy GEN3 – Flood Protection
- ULP Policy GEN4 – Ancient Monuments & Sites of Archaeological Importance
- ULP Policy GEN6 – Infrastructure Provision to Support Development
- ULP Policy GEN7 – Nature Conservation

- SPD – “Developer Contributions Guidance Document” – (January 2015 version)

7. PARISH COUNCIL COMMENTS

7.1 The Parish Council have submitted a detailed letter of representation against the revised application currently under consideration, the salient comments which have been listed as follows:

- The proposed dwellings would be located outside development limits.
- No new houses should be built until the local road infrastructure is improved.
- The proposed development would include a 5.5m access road into the site. which would lead out onto Bury Water Lane, which is a narrow road. Additional housing will increase demands on the lane and lead to congestion.
- There is currently no continuous footpath or pavement to the main Cambridge Road or any planned for this development. The resulting increase in traffic from the development would be extremely dangerous for pedestrians, including the disabled.
- The distance to the primary school and other village amenities is considered unreasonable.
- Each development [for Newport] is being considered separately rather than looking at the total; no upper limits has been placed on the number of houses that can be built on White Ditch Lane or Bury Water Lane.
- There will be an additional load on an already inadequate foul water sewerage system.
- There will be a significant flood risk; flooding has already occurred on numerous occasions in the past and no doubt this will happen more frequently due to the changing climate.
- The proposed development is out of context with the village setting in terms of profile and style.
- There is no provision for visitor parking.
- There is now an adequate supply of land and developments approved within Uttlesford to meet its 5 year housing supply and this site should be rejected.
- The dwellings are 4 bedroomed. Development management Policies intend that all new build houses within the district should be 3 bedroomed or less and this policy appears to have been lost, although should not be lost sight of.
- The drawings do not show a swept path analysis.
- Insufficient access details and proposed re-arrangement of public footpath or pedestrian access to public transport have been provided.
- There are no parking spaces for residents of Bury Water Lane.
- The density of the development is too high and not in keeping with the village and surrounding properties.
- The provision for refuse bins is inadequate.
- There is no provision for disabled vehicles.
- The tandem parking is not workable.
- Access into the development is opposite a row of C16 listed cottages that have no parking provision. This would restrict access for construction vehicles and subsequent utility vehicles, i.e., fire, water refuse vehicles.

- UDC plan for 50 “windfall” houses per year. Newport seems to have had a very large share of this.

8. CONSULTATIONS

Aerodrome Safeguarding

- 8.1 There are no safeguarding concerns for Stansted Airport arising from this application.

Essex County Council Highways

- 8.2 The impact of the proposal is acceptable to the Highway Authority from a highway and transportation perspective subject to the following:

1. Prior to commencement on site, provision shall be made for an access into the site as shown in principle on Drawing No.1 to include but not be limited to a minimum 5.5 metre carriageway width with a minimum 1.8 metre wide footway on the eastern side the details of which shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority prior to commencement of development. The approved scheme of works shall thereafter be implemented in its entirety prior to commencement on site.

REASON: In the interests of highway safety and to provide 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.

2. Prior to commencement of development, provision shall be made for 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 of which shall be submitted to and agreed in writing with the Planning Authority.

REASON: In the interests of highway safety and efficiency.

3. The gradient of the proposed vehicular access shall not be steeper than 4% (1 in 25) for the first 6 metres from the highway boundary and not steeper than 8% (1 in 12.5) thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a safe and controlled manner.

4. There shall be no discharge of surface water onto the Highway.

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.

5. The public's rights and ease of passage over Public Footpath 4, 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.

Essex County Council Ecology

- 8.3 We responded to previous planning application UTT/14/3265/OP for this site on 17th November 2014. No information relating to ecology has been provided for this more recent application; our comments therefore still remain and are repeated below:

“I wish to object based on insufficient information regarding ecology. Not enough information has been provided with this application to enable the impacts of the development on biodiversity to be assessed. Due to the habitats on and adjacent to the site, I recommend an ecologist is engaged to undertake a survey. If they feel there are no issues with regard to protected and priority species, clear photographs of all habitats and a statement from the ecologist explaining why there are no issues will suffice. If they feel there may be issues, a full Preliminary Ecological Appraisal should be carried out which will assess the value of the site and identify any further protected species surveys that may be necessary. The statement/PEA and any surveys found to be necessary must be submitted prior to determination to allow the Local Authority to assess the impacts on biodiversity in accordance with the Natural Environment and Rural Communities Act 2006, NPPF and Natural England Standing Advice. No site clearance should take place until ecological work is complete”.

Access & Equalities Officer

- 8.4 The application will need to meet the requirements of the SPD on Accessible Homes and Playspace as part of the Local Plan requirement which would now form part of the M4(2) of Approved Document M Volume 1 of the Building Regulations.

9 REPRESENTATIONS

- 9.1 Notification period expired 9 September 2015. 9 representations received, including one from Save Newport Village.

Summary of representations as follows:

- Tightly packed linear site of which a significant area would be taken up by the (restricted) access road and would result in a high density and overdevelopment.
- Access carriageway width is 1 metre too narrow to incorporate adjacent footpath and adjacent residential boundary wall, particularly if the re-submitted Wyndhams Croft application for 15 houses to the rear of the site is approved this time around following Judicial Review where it has been stated by the applicant for that application that the footpath would provide an alternative pedestrian access route through to Bury Water Lane rather than having to use Whiteditch Lane.
- Dwellings would have small gardens for the occupants.
- Development will be out of keeping with adjacent properties, some of which are listed and will tower over them and cause overlooking.
- Difficult/impossible to provide suitable curved access point onto Bury Water Lane given physical restrictions.
- Appears to be no provision within the site to provide turning for emergency and refuse lorries. Reversing out down the single width access road would represent a safety issue.
- In the conspicuous absence of a sensible strategic plan, residents continue to witness piecemeal development in this northwest corner of Newport with no one other than local residents seeming willing to consider cumulative effects.
- Development would cause noise and disruption by use of access road.

- The school pedestrian crossing is used constantly throughout the day and many evenings, increase of traffic in Bury Water Lane will increase risk of accidents
- Proposal would represent a hazard to road safety.
- 20mph speed limit throughout the roads leading to Whiteditch routinely ignored and Bury Water Lane and school lane is a mainstay 'rat run' for people travelling to and from the Clavering direction.
- Proposed development does not show any provision for wheelie bins. This would mean that up to 14 No. wheelie bins (two per household) would be left outside the entrance of the site along Bury Water lane representing another hazard.
- Site previously used as a quarry and no investigations have been carried out to ascertain substrate conditions and site stability. The proposal appears to require a substantial reduction of the ground level along the western boundary and this could affect adjacent properties. Adjacent site (now Chadham House) was formerly a sandpit and the development could compromise the cliffs for that site.
- Issues with drainage. Flooding along Bury Water Lane is considered to be a serious problem, particularly in winter (the lane has been flooded six times in the last six years, including this year and run-of water from this site would go into Wicken Water which has caused flooding to properties downstream from the site. Implying that a soakaway will be sufficient without checking geology etc. is not considered acceptable. A SuDS tanked drainage system was required on an adjacent site.
- Anglian Water has reported that the nearby sewer pipe, which is a combined foul and surface water system and is not large enough to take capacity. Houses in nearby Willow Vale suffer sewerage blow back after heavy rain. It should not be assumed that Anglian Water will wish or be able to connect more properties. In addition, Newport Sewerage Works is already overloaded. Further connections should be refused until Anglian Water does the necessary upgrade works.
- Car parking is shown as tandem which is considered unrealistic and should not be accepted, particularly on a site with such restricted access. On-street parking would not be acceptable; particularly as existing residents of Bury Water Lane with no off-street parking leave their vehicles in the road/on the footpath. No details given of cycle parking provision.
- Bury Water Lane gets congested during school opening and closing times with buses queuing up along Bury Water lane to serve the school and which regularly block the access to the site. The problem has existed for years and will get worse as the school will have another year group and the lane is not going to be altered.
- The site slopes sharply from north to south with a height difference of several metres and the proposed dwellings would be seen in plain view above the skyline viewed from the south where no screening is possible.
- No requirement or need for this site to be developed to meet the Council's 5 year housing supply
- The applicant proposes to widen the present drive from Bury Water Lane up the hill to Redbank by taking over most of the grassy bank to the east. However, most of this grassy bank is not part of Redbank's property.
- The initial 7.5 metre length from the Bury Water Lane carriageway will have a width of 5.5 metres. However, this is clearly less than the recommendation by Clare Jenkin who stated that the drive should be increased to 'at least' 5.5m wide for the first 10m – it is assumed the reason why the proposal does not satisfy the minimum stipulated by ECC is that there is insufficient room to do so.

10 APPRAISAL

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

- A Principle of development, including sustainability, flood risk, countryside protection and quantum (NPPF and ULP Policies S3, S7, H3, H4, GEN2, GEN3, GEN6);
 - B Whether access arrangements would be satisfactory (ULP Policy GEN1);
 - C Housing mix and affordable housing contributions (infrastructure) (ULP Policies H9 and H10);
 - D Whether the proposal would be harmful to protected species (ULP Policy GEN7).
- A Principle of development, including sustainability, flood risk, countryside protection and quantum (NPPF and ULP Policies S3, S7, GEN2, GEN3, GEN6, H3 and H4)**

10.1 The application site is situated on the north-west edge of the built-up area for Newport, which is regarded as being a key settlement for future growth for Uttlesford district in the Council's adopted local plan in view of the availability of local services it provides for the village and surrounding area. Therefore, consideration has to be given in this context and in view of the site's location as to whether the proposed development would amount to a presumption in favour of sustainable development in accordance with the requirements of the National Planning Policy Framework (NPPF). The NPPF identifies three dimensions to sustainable development; economic, social and environmental where these dimensions are not to be treated in isolation as they are to be seen as being mutually dependent. The NPPF states that *"Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system"*.

10.2 The economic argument is such of course that the proposed development would generate economic activity for the duration of the development and has a limited wider impact beyond this. In terms of the social dimension, the site is located immediately adjacent to a large school complex which has a large catchment area and is within close range of local services and amenities within the village. Set against this social dimension, the site is regarded as having good social connectivity in terms of its location.

10.3 In environmental terms, the site forms a single dwelling garden strip adjacent to the school in what can be considered to be a backland location, albeit that an access track currently serves the site. Whilst it is not true of the applicant to say that the site represents a brownfield location (garden land is not by definition brownfield land) nor arguably does it represent a "rare opportunity" (they seldom are), it can be argued nonetheless that the site is presently underutilised and that an appropriate form of residential development on it would provide an opportunity to increase the housing stock for the district. The majority of the site lies outside development limits (the settlement boundary runs along the rear of Rivendell, South View and Hill View to incorporate the front end of the entrance track) and is strictly contrary to ULP Policy S7 because of this. However, the site beyond the public footpath to the eastern boundary is bordered by school buildings, whilst Chadam House and the extensive grounds in which it stands is situated to the immediate west. The residential development of the site as proposed would therefore not have a damaging impact on the wider countryside at this location and the proposal would not as a consequence of this be contrary to the countryside protection aims of ULP Policy S7 or the environmental strand of the NPPF. As such, it is further considered that the proposal would represent a presumption in favour of sustainable development when viewed against the three sustainability

dimensions of the NPPF when taken together. It should be further stated that the proposal has been subject to a Screening Request by the applicant and this has since been carried out. The Council has assessed the proposed development against the requirements of the Environmental Impact Regulations and it is the Council's opinion that the development would not require an Environmental Impact Assessment in terms of its cumulative impacts.

- 10.4 In terms of flood risk, the site is zoned as being Flood Risk 1 (lowest probability of flood risk) on the Environment Agency's Flood Risk map, although the land to the south of Bury Water Lane behind the line of frontage cottages is zoned as Flood Risk 3 in view of Wicken Water. It is therefore not necessary for the applicant to submit a Flood Risk Assessment (FRA) for the proposed development and this has not been submitted. The comments raised by the Parish Council and others regarding flooding in Bury Water Lane is noted where this has been evidenced by various photographs showing the road in flood. Whilst an objection cannot be made to the proposal on flood risk grounds given its identified level of flood risk, it is considered nonetheless that the proposed development could exacerbate the level of flooding elsewhere in view of the sloping nature of the site in terms of surface water run-off and that it would be appropriate in the circumstances for any reserved matters application to be accompanied by a sustainable drainage strategy to be approved by ECC SuDS to show how surface water from the development could be successfully managed to reduce run-off onto Bury Water Road and into the adjacent water course, which can be conditioned (ULP Policy GEN3).
- 10.5 Issues of scale and appearance do not fall to be considered with the current outline application. This is reiterated by the applicant at paragraph 1.7 of the submitted Design & Access Statement where it is stated that *"...This will enable the local planning authority - as in the previous application – to determine issues such as height, form, design and layout upon receiving a subsequent reserved matters planning application"*. As with the previously refused application for this site, indicative drawings have been submitted to show how seven dwellings could be accommodated on the site, together with an indication of garden sizes and parking arrangements. As also with the previous application, the housing layout would have a linear form following up the side of the new access road. The dwellings would have a traditional design and appearance and would in view of this be in contrast with the more urban form and larger scale of the three to four storey terraced town houses refused under the previous planning application for the site (UTT/14/3265/OP). As such, the form of dwellings indicated by the revised application would be more appropriate and in keeping with the character of the area compared with the previous proposal where the area comprises a mixture of single storey and two storey housing, including historic buildings which line Bury Water Lane within the adjacent conservation area and modern housing further along the road at Willow Vale.
- 10.6 The proposed dwellings are shown at approximately 8 metres with effectively a three storey height whereby the roof spaces would be capable of being additional bedrooms. The Council is mindful of the objections received concerning the height of the dwellings and how this would impact on both the skyline and on residential amenity. However, as previously mentioned, scale would be subject to consideration at reserved matters stage where the final form of the proposed dwellings, including ridge heights and appearance can be negotiated if necessary between the Council and the applicant in order to reduce the visual impact of the development. Some of the rear gardens shown for the new dwellings would in their indicative form either just comply with Essex Design Guide recommended minimum garden standards or be under and it would be for the applicant to demonstrate at reserved matters stage that the quantum of development proposed, i.e., seven dwellings, would be an acceptable number for the site to be able

to meet the necessary minimum standards. It is noted that the development would involve tandem parking, which is accepted as not being an ideal form of parking, although it is considered that this could be appropriate at this site subject to the parking spaces complying with adopted parking standards.

B Whether access arrangements would be satisfactory (ULP Policy GEN1)

10.7 Access falls to be considered with the current outline application. Vehicular access to the site would be along the alignment of the existing domestic access to Redbank extending up to the top of the site alongside the site's eastern boundary incorporating a turning head at the top end. Access was also a matter which was considered at outline stage for application UTT/14/3265/OP when no highway objections were raised by ECC Highways to that previously refused residential scheme.

10.8 Objections have been received concerning the width of the access and whether it would be wide enough to accommodate the required width as required by ECC Highways in their consultation response and for the existing public footpath alignment to also be retained. The Parish Council's own representation is also accompanied by Land Registry documents and other documents presented in evidence in an attempt to show that the application site as edged in red encroaches on land not within the applicant's control or ownership and it makes the case from this document submission that the application should be treated as invalid unless and until such time that appropriate notice is given on those third parties which have a registered interest in the land or that the applicant can prove ownership. The applicant's agent has responded to this submission and reference to access by stating the following:

"Several objectors have questioned the precise detail of Essex County Council's (Highways) requirements for access onto the site and whether the proposed access arrangements meet these requirements. Both the proposed access arrangements and Essex County Council's (Highways) response to them are clearly set out in the documentation submitted as part of the application. The site is capable of delivering both the proposed access arrangements and Essex County Council's (Highways) requirements for access. To avoid any confusion, however, page 7 of the submitted Access Appraisal (SLR Ref 407-05186-00002 dated June 2015, point 4.2.1 'Previous Essex County Council Discussions') details how Essex County Council (Highways) offered an informal response to an informal approach by Mr Sivell in February 2014. In the course of an exchange of emails, Ms Clare Jenkin (Strategic Development Officer, Essex County Council) wrote on 19 March 2014, "I have now heard back from Public Rights of Way colleagues and there does not appear to be any historic width to footpath 4..." (which runs to the east of Redbank). There was not then and there is not now any suggestion that this footpath forms a part of the property, Redbank. However it is also clear from this exchange that the footpath has no defined width.

On 13 March 2015, an application UTT/14/3265/OP for ten dwellings on the site, Redbank was refused, but access was not among the reasons given for refusal. On 4 August 2015, planning application UTT/15/2460/OP was submitted for seven dwellings on Redbank. This included Access Appraisal SLR Ref: 407-05186-00002 dated June 2015, which stated (page 9, point 5.1 'Access Design') "a 4.8 metre shared access road will be provided. The initial 7.5 metre length from the Bury Water Lane carriageway will have a width of 5.5 metres..." On 1 September 2015, Essex County Council (Highways) responded to this application. Its letter includes the requirement (point 1) "...the provision of an access into the site as shown in principle on Drawing No. 1 [of Access Appraisal SLR Ref: 407-05186-00002 dated June 2015] to include but not be limited to minimum 5.5 metre carriageway width with a minimum 1.8 metre wide footway on the eastern side."

10.9 Whilst the submission by the Parish Council regarding the suitability of the existing access to carry the new access road and the retention of the public footpath are noted, it is considered that any contention of land ownership rights are outside the scope of the current application. ECC Highways are satisfied by an analysis of the position that a suitable minor access road can be constructed at the site, whilst leaving sufficient room for the public footpath to be retained and strengthened. No highway objections are therefore raised under ULP Policy GEN1.

C Housing mix and affordable housing contributions (ULP Policies H9 and H10)

10.10 The proposed development would comprise 7 No. 4+ bed roomed market dwellings and therefore would not include any lower priced market dwellings within the indicated housing mix. The proposal is not subject to financial contributions for affordable housing as the gross floorspace for the development has been calculated as not exceeding 1,000sqm and where the Council's updated guidance document (adopted September 2015) relating to affordable housing contributions which now requires 20% affordable housing provision on sites of 5-14 dwellings or on sites between 0.17ha and 0.49ha cannot be applied given the fact that the application was submitted prior to this SPD change. Furthermore, the proposal at seven dwellings is not subject to education provision given that the number is less than 10 units.

E Whether the proposal would be harmful to protected species (ULP Policy GEN7).

10.11 The submitted application did not originally contain ecology information beyond the completed bio-diversity questionnaire to show whether the proposed development would have a harmful impact upon protected/priority species. This has generated a holding objection from the ECC Ecology Officer who has requested that further ecology information be submitted to show the extent to which the site may contain habitats conducive to such species, including a Preliminary Ecology Survey (PEA) and individual species surveys if found to be necessary.

10.12 In response to this objection, the applicant has since submitted a PEA to the Council for the application to establish the extent of flora/fauna habitat potential at the site with particular reference to bats given the fact that the site contains an older style dwelling with outbuildings including an Anderson shelter used for domestic storage. The site was subject to a walkover habitat survey, including inspection of these buildings for the PEA by a qualified ecology officer on 7th September 2015. The survey/inspection found there are no trees within the application site with the potential to support bats (i.e. with cavities or other features), whilst no evidence of bat roosts was recorded during thorough external and internal inspections of the site buildings.

10.13 The report of findings concludes from the survey/inspection, based on the high levels of accessibility afforded, that the potential for the site buildings to support bat roosts of conservation significance is low, adding that whilst the garden may provide foraging opportunities for bats that it is unlikely to form a major component of the habitat range of local bat populations due to its relatively small size. No evidence of other species such as badgers was found during the PEA survey, although the report states that the presence of single animals of crevice-dwelling species such as common pipistrelle cannot be ruled out. The PEA main summary conclusion from the site findings state that *"The application site supports common and widespread habitats that are of limited intrinsic interest in their own right. On the basis of existing information, the site is considered unlikely to be critical for the maintenance of populations of any species of fauna or flora of nature conservation importance. As a whole, the site is deemed to be of less than local value"*. The ECC Ecology Officer has since removed her objection based upon the PEA received and no ecology objections are now raised under ULP

Policy GEN7.

11 CONCLUSION

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

- A The proposed development by reason of its location would represent a presumption in favour of sustainable development and would not be harmful to the countryside given its close proximity to adjacent properties running along Bury Water Lane. It would also make more efficient use of the land for housing purposes. The site is not on land prone to flooding, although it is considered that any reserved matters application should be accompanied by a SuDS drainage mitigation strategy to show how surface water run-off from the site can be attenuated. The quantum of development is considered acceptable where the proposal would in effect only represent a net gain of 6 No. dwellings on the site given that the proposal would involve the demolition of the existing dwelling.
- B Access arrangements at the site are considered to be satisfactory by ECC Highways whereby the adjacent public footpath would be able to be maintained. The Council is unable through the current application to be able to challenge the applicant on land ownership rights, although the Parish Council comments have been noted.
- C The indicative more traditional design for this revised housing scheme would be acceptable for this site subject to matters of scale, layout, appearance and landscaping being negotiated at reserved matters stage to minimise the visual impact of the development upon the surrounding area and upon adjacent residential amenity.
- D The proposal would not have a harmful impact upon protected species.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/reasons

1. Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. 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.

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. The development hereby permitted shall be begun no 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.

4. Prior to commencement of development, provision shall be made for an access into the site as shown in principle on Drawing No.1 to include but not be limited to a minimum 5.5 metre carriageway width with a minimum 1.8 metre wide footway on the eastern side, details of which shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority prior to commencement of development. The approved scheme of works shall thereafter be implemented in its entirety prior to commencement on site.

REASON: In the interests of highway safety and to provide 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 ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

5. Prior to commencement of development, provision shall be made for 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 of which shall be submitted to and agreed in writing with the Planning Authority.

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

6. The gradient of the proposed vehicular access shall not be steeper than 4% (1 in 25) for the first 6 metres from the highway boundary and not steeper than 8% (1 in 12.5) thereafter.

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

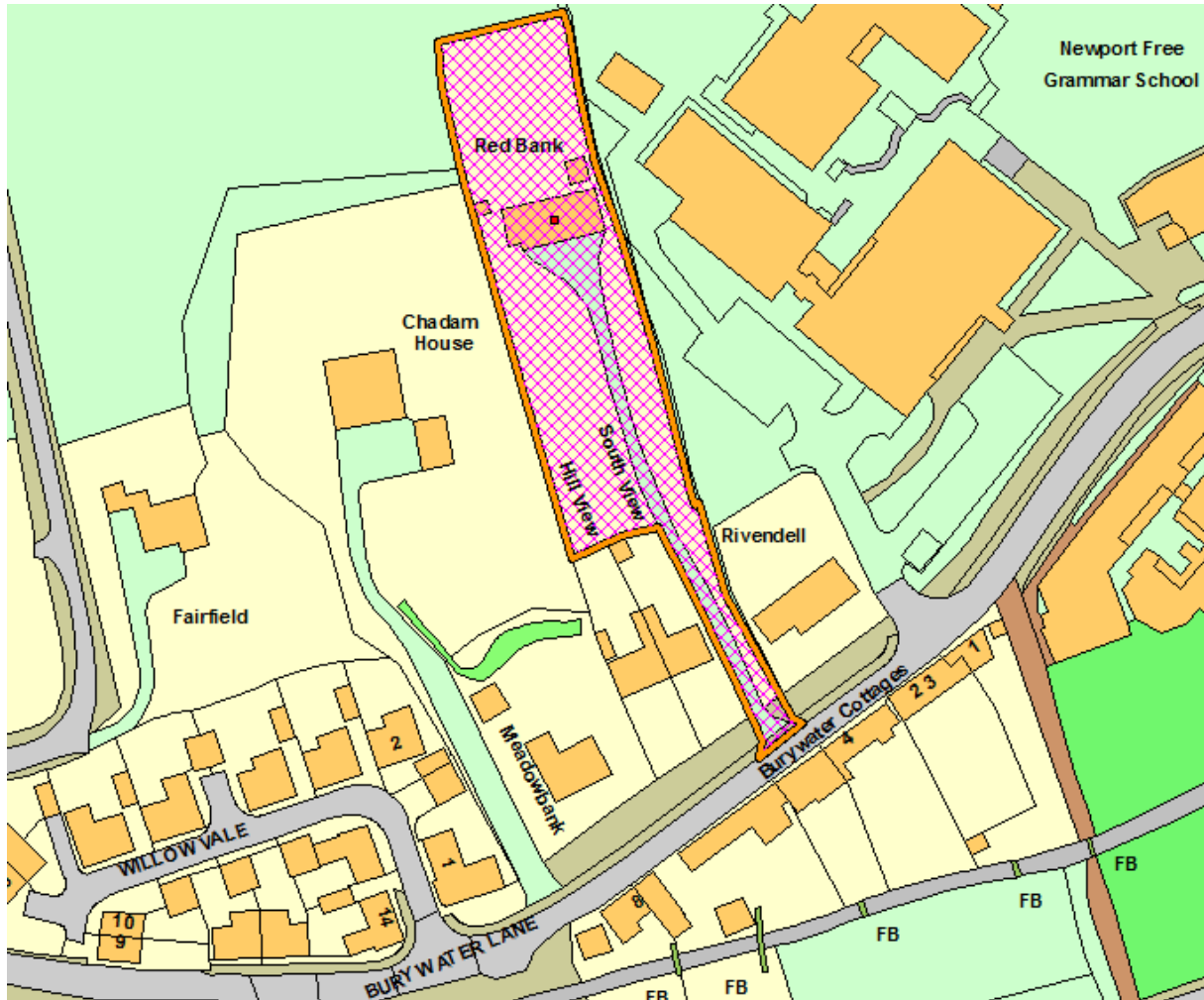
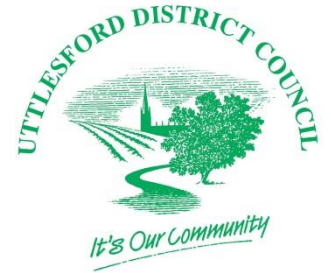
7. The public's rights and ease of passage over Public Footpath 4, Newport shall be maintained free and unobstructed at all times.

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

8. Details of a surface water drainage strategy (SuDS) shall be submitted to the Council for approval at reserved matters stage showing how surface water run-off from the proposed development shall be properly attenuated/disposed of to reduce the risk of flooding elsewhere given the sloping nature of the site in accordance with ULP Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

Application no.: UTT/15/2460/OP

Address: Redbank, Bury Water Lane Newport



Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationary Office© Crown Copyright 2000. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

Organisation: Uttlesford District Council

Department: Planning

Date: 04 November 2015

SLA Number: 100018688