

**UTT/16/3392/FUL (NEWPORT)**

MAJOR

**PROPOSAL:** Variation of condition 13 on planning consent UTT/15/2364/FUL to 5% of the dwellings hereby permitted shall be wheelchair accessible dwellings in accordance with Policy GEN2 (c) and the subsequent SPD on Accessible Homes and Playspace. The remaining dwellings shall comply with the Lifetime Homes standard as published by the Joseph Rowntree Foundation.

**LOCATION:** Land West of Cambridge Road, Newport

**APPLICANT:** Hastoe Housing Association

**AGENT:** Parsons & Whittley Ltd

**EXPIRY DATE:** 24 February 2017

**CASE OFFICER:** Luke Mills

---

**1. NOTATION**

1.1 Countryside.

**2. DESCRIPTION OF SITE**

2.1 The site is located off Cambridge Road, Newport. It comprises an area of previously undeveloped land, on which development has been commenced in accordance with a planning permission for the erection of 34 affordable homes (UTT/15/2364/FUL).

**3. PROPOSAL**

3.1 The application is for the variation of Condition 13 of planning permission UTT/15/2364/FUL. The condition reads:

*"5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition."*

3.2 The proposed condition would replace the requirement to comply with the Building Regulations accessibility standards with a requirement to comply with the Lifetime Homes standards. The proposed condition would read:

*"5% of the dwellings hereby permitted shall be wheelchair accessible dwellings in accordance with Policy GEN2 (c) and the subsequent SPD on Accessible Homes and Playspace. The remaining dwellings shall comply with the Lifetime Homes standard as published by the Joseph Rowntree Foundation."*

**4. APPLICANT'S CASE**

4.1 It is suggested in the submitted covering letter that the amendment is justified

because, while the wording of the condition relates to the Building Regulations requirements, the reason for the condition is to secure compliance with the SPD on Accessible Homes Playspace.

## **5. RELEVANT SITE HISTORY**

- 5.1 The planning permission to which this application relates (UTT/15/2364/FUL) has been the subject of various non-material amendments (UTT/16/2218/NMA & UTT/16/3489/NMA). The permission has been implemented.

## **6. POLICIES**

- 6.1 S70 of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 6.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### **Uttlesford Local Plan (2005)**

- 6.3
- S7 – The Countryside
  - GEN1 – Access
  - GEN2 – Design
  - GEN3 – Flood Protection
  - GEN6 – Infrastructure Provision to Support Development
  - GEN7 – Nature Conservation
  - GEN8 – Vehicle Parking Standards
  - ENV3 – Open Spaces and Trees
  - ENV4 – Ancient Monuments and Sites of Archaeological Importance
  - ENV9 – Historic Landscapes
  - ENV10 – Noise Sensitive Development and Disturbance from Aircraft
  - H9 – Affordable Housing
  - H10 – Housing Mix
  - H11 – Affordable Housing on “Exception Sites”

### **Supplementary Planning Documents/Guidance**

- 6.4
- SPD – Accessible Homes and Playspace (2005)
  - Parking Standards: Design and Good Practice (2009)
  - Uttlesford Local Residential Parking Standards (2013)

### **National Policies**

- 6.5
- National Planning Policy Framework (NPPF) (2012)
  - Planning Practice Guidance (PPG)

## **7. PARISH COUNCIL COMMENTS**

- 7.1 No comments received.

## **8. CONSULTATIONS**

### **Natural England**

8.1 Does not wish to comment.

### **London Stansted Airport**

8.2 No objections.

### **Highway Authority (Essex County Council)**

8.3 Does not wish to comment.

### **Lead Local Flood Authority (Essex County Council)**

8.4 Does not wish to comment.

## **9. REPRESENTATIONS**

9.1 Neighbours were notified of the application by letter and a notice was displayed near the site. No representations have been received.

## **10. APPRAISAL**

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

A Effect of the proposed variation of condition

### **A Effect of the proposed variation of condition**

10.1 The Council's policy on accessible homes derives from the SPD entitled 'Accessible Homes and Playspace', which is underpinned by Policy GEN2 of the Local Plan. This document, adopted in 2005, seeks enhanced accessibility by reference to the Lifetime Homes standards.

10.2 In March 2015, the Planning Practice Guidance (PPG) introduced a new approach to accessible homes. It requires that, where a local planning authority adopts a policy to provide enhanced accessibility or adaptability, it should do so only by reference to the optional requirements in the Building Regulations.

10.3 The policy in the PPG is reflected in the wording of Condition 13. However, it is not reflected in the reason for the condition as stated in the decision notice, which is as follows:

*"Reason : To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace"*

10.4 The officer's report for planning application UTT/15/2364/FUL makes no reference to accessible design so the only reasoning given for the use of the condition is the above wording, which refers to Policy GEN2 and the SPD but not the policy in the PPG. It is therefore concluded that the proposed variation is justified because it is consistent with the quoted reason.

## **11. CONCLUSION**

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

- A The proposed variation of Condition 13 is justified because the wording would be consistent with the reason for the condition quoted in the decision notice.
- B Taking into account all relevant development plan policies and material considerations, the proposal would not otherwise affect the conclusion on planning application UTT/15/2364/FUL that planning permission should be granted.

**RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO A DEED OF VARIATION TO S106 LEGAL AGREEMENT:**

- (I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freeholder 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 Head of Legal Services, in which case he shall be authorised to conclude such an obligation to secure the following:
  - (i) suitable provision of affordable housing
  - (ii) suitable maintenance of the sustainable drainage system
  - (iii) payment of the Council's reasonable legal costs
  - (iv) payment of the monitoring fee
- (II) In the event of such an obligation being made, the Assistant Director Planning 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 by 22 February 2017 the Assistant Director of Planning shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:
  - (i) lack of suitable provision of affordable housing
  - (ii) lack of suitable maintenance of the sustainable drainage system

**Conditions**

1. The development hereby permitted shall be begun before 17 March 2019.  
  
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. DETAILS APPROVED UNDER APPLICATION UTT/16/1782/DOC.
3. The glazing, ventilation and boundary treatment specifications of the houses on Plots 4-16 shall be designed to achieve the following noise limits, with provision for ventilation: Bedrooms (23.00-0700hrs) 30 Db LAeg and 45 Db LAm<sub>ax</sub>. Living Rooms (07.00 - 23.00 hrs) 35 Db LAeg. Gardens (07.00 - 23.00 hrs) 55 Db LAeg.  
  
REASON: In order to protect the amenity of the future occupiers of these dwellings in accordance with Policies GEN2 and ENV13 of the adopted Local Plan (2005).  
  
JUSTIFICATION: In order to protect the amenity of the occupiers of the new

dwellings.

4. DETAILS APPROVED UNDER APPLICATION UTT/16/1782/DOC.
5. DETAILS APPROVED UNDER APPLICATION UTT/16/1782/DOC.
6. The development hereby permitted shall be implemented in accordance with the Biodiversity Management Plan approved under application UTT/16/2375/DOC.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in accordance with Policy GEN7 of the adopted Local Plan (2005).

7. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. wheel and underbody washing facilities

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with Policy GEN1 of the adopted Local Plan (2005).

JUSTIFICATION: In order to safeguard traffic and other road users.

8. The cycle/powered two wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy GEN1 of the adopted Local Plan (2005).

9. All hard and soft landscape works must be carried out in accordance with the details approved under applications UTT/16/1782/DOC and UTT/16/2375/DOC.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping must be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works must be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

10. Prior to occupation of any dwelling, the provision of an access formed at right angles to Cambridge Road, Newport as shown in principle on Drawing No. 500-7C to include but not limited to: minimum 5.5 metre carriageway width and visibility splays with dimensions of 2.4 metres x 160 metres to the north and 2.4 metres x 90 metres to the south as measured from and alongside the nearside edge of the carriageway. Such visibility splays shall be provided before the access is first used by vehicular traffic shall be retained free of any obstruction in perpetuity.

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.

11. Prior to occupation of any dwelling, the extension of the existing footway and street lighting across the site frontage of Cambridge Road and into the site access, in accordance with Drawing Number 0500-7C shall be fully implemented and thereafter retained.

REASON: In the interests of highway safety and accessibility.

12. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the 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 Drainage Sustainability Report Rev D, dated 19 November 2015, RRP Environmental.

The drainage scheme shall include:

- a. Where run-off is proposed to be discharged to a watercourse, discharge should be limited to the greenfield 1 in 1 year rate for all events;
- b. Where different SUDS features are being proposed, the drainage modelling should show how these are cascaded together and show clearly their combined effect in controlling both the water quantity and improving water quality within the development;
- c. Provide the Drainage Scheme Layout showing the SUDS features and their dimensions as appropriate, including the wider connectivity of the outfall to the wider surface water network. The drawing should also indicate the location of the highway drainage and any soakaways or attenuation tanks;
- d. Provide a plan showing the exceedance flow paths and these should be directed away from buildings.

REASON: 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 Uttlesford Local Plan 2005.

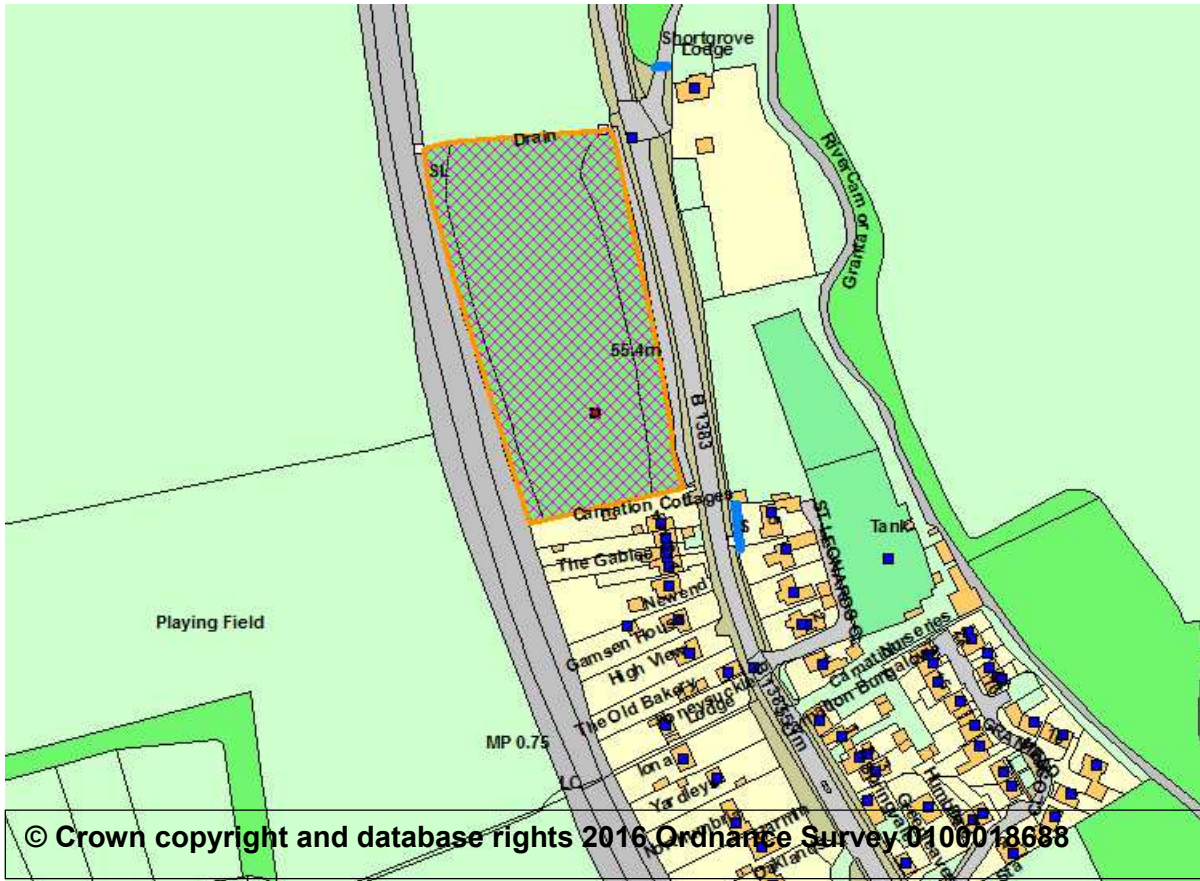
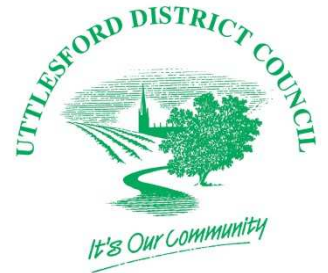
Justification: It is imperative that the sound drainage of the site is properly secured before any development on the site.

13. 5% of the dwellings hereby permitted shall be wheelchair accessible dwellings in accordance with Policy GEN2 (c) and the subsequent SPD on Accessible Homes and Playspace. The remaining dwellings shall comply with the Lifetime Homes

standard as published by the Joseph Rowntree Foundation.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace.

Application Number: UTT/16/3392/FUL  
Address: Land West Of Cambridge Road Newport



Organisation:	Uttlesford District Council
Department:	Planning
Date:	25 January 2017