

UTT/15/2575/FUL - NEWPORT

(Referred to Committee by Cllr Joanna Parry Reason: on the grounds of capacity of the local infrastructure and highway issues)

PROPOSAL: **Erection of 1 no. detached dwelling - Plot 2**

LOCATION: **Hillside and Land to the Rear of Bury Water Lane Newport**

APPLICANT: **Mr & Mrs Bampton & Barba**

AGENT: **Pelham Structures Ltd**

EXPIRY DATE: **17 November 2016**

CASE OFFICER: **Maria Shoemith**

1. NOTATION

1.1 Outside Development Limits, Groundwater Source Protection Zone

2. DESCRIPTION OF SITE

- 2.1 Plot 2 covers an area of 656.25m². The application site is a small section of what was a large plot assessed under the original application for the wider site that was granted outline planning permission in October 2013 for the a care home village and for five dwellings (UTT/13/1817/OP). The wider site is the former cucumber nursery and although redundant, it still retains the glasshouses and other utilitarian commercial buildings in connection with the previous horticultural use. The condition of the buildings is deteriorating. The remainder of the site is hard surfaced, although there is some green space towards the outer boundaries. The greenhouses are in the current process of now being demolished under planning application UTT/16/0459/OP.
- 2.2 The eastern boundary of the site extends along Whiteditch Lane and the site is located between around 2no. two-storey detached houses (Nos. 3 and 4 Whiteditch Lane) that front onto the Lane and Greenways which is located on the corner of Whiteditch Lane. The proposed five dwellings on Plots 1-5 is proposed to be located either side of these existing dwellings. This application now only relates to the parcel of land to the south of these properties as the planning applications for Plots 3-5 have been withdrawn.
- 2.3 The southern boundary of the wider site is formed by the rear boundaries of existing detached and semi-detached properties which front on to Bury Water Lane. These all sit in an elevated position relative to the road. The application site slopes down to the rear gardens of these properties. The northern boundary of Plot 1 forms the shared boundary with Plot 2, the application site.
- 2.4 There is a wet drainage ditch that runs along the front of the site with landscaping to the south, north and eastern boundaries.

3. PROPOSAL

- 3.1 The application is for the proposed erection of a dwelling together with a detached garage.

- 3.2 The proposed dwelling's core would be 11.5m wide x 15.5m deep. The dwelling would be fundamentally one and half to two-storey with projecting gables are proposed to the front and rear of the dwelling with integrated dormer windows. The scheme would have a height of 7.7m to the ridge.
- 3.3 There would be 4 bedrooms with a main bathroom and three en-suites upstairs. On the ground floor there would be a kitchen/dinner with garden room, two sitting rooms, dining area, utility and wash rooms.
- 3.4 Outline planning permission was granted under UTT/13/1817/OP and reserved matters were granted UTT/14/2900/DFO.
- 3.5 It should be noted that there is a parallel application for Plot 1, UTT/15/2574/FUL, and an overall application for both plots but for the provision of four dwellings as opposed to the two, UTT/17/0436/FUL.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 Town and Country Planning (Environmental Assessment):
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

And

Human Rights Act considerations:

There may be implications under Article 1 and Article 8 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

5. APPLICANT'S CASE

- 5.1 Various Statements have been submitted as part of the planning application submission which includes the following;

- Site Waste Management Plan Revision A;
- Report of Conditions and Structural;
- Lifetime Homes Statement;
- External Lighting Statement;
- Heritage Statement;
- Daylight and Sunlight Statement;
- Contamination Statement;
- Tree Survey/Arboricultural Report;
- Highways Traffic and Transport;
- Regeneration Statement;
- Flood Risk Assessment;
- Sustainability Statement;
- Sound Control Statement;
- Utilities Statement;
- Statement of Community Involvement;
- Landscape and Visual Assessment;
- Snow Walker Marketing Report (27 November 2009);
- Design and Access Statement (7 July 2013);

- Planning Statement (July 2013);
- Reserved Matters Planning Statement (September 2014);

5.2 It should be noted that a number of the submitted statements were those which originally accompanied the main outline application for the wider site.

5.3 The agent has written in response to the Parish Council's and others comments as highlighted in Section 7 and 9 stating the following:
 "For clarification the detailed design of the dwellings with access off Whiteditch Lane is already approved under previous applications and no changes to the design or access is being applied for.

Approval of the applications will not negatively affect the delivery of the balance of the site currently benefitting from outline approval for a care village. You will shortly be receiving a slightly revised application for the care village as a sale is agreed (subject to contract) but the operator requires some changes to the mix of development.

There are no highway grounds that would make the current applications unacceptable in light of the approvals that already exist. I also understand that Essex Highways have raised no objection to the applications."

6. RELEVANT SITE HISTORY

List of committed developments and those under consideration;

2013

1) UTT/13/1769/OP - Land At Bury Water Lane - Outline application for the erection of up to 84 houses of which 40% will be affordable, together with the provision of associated open space, a local area equipped for play (LEAP) and allotments and incorporating alterations to the width and alignment of Bury Water Lane, the provision of a new footway to the north of the Lane and alterations to the junction of the Lane with Whiteditch Lane and the provision of two passing places and a footway to School Lane - Granted 29 November 2013 – (site area is 6.10ha)

UTT/16/1574/DFO - Reserved matters application for the erection of 84 dwellings and related development. Following outline approval UTT/13/1769/OP - details of appearance, landscaping, layout and scale. – Granted 18.11.2016 Conditions are in the process of being discharged and development due to commence shortly.

2) UTT/13/1817/OP - Hillside And Land To The Rear Bury Water Lane - Outline application for redevelopment with a mix of a residential care facility (for illustrative purposes, for 120 persons), separate assisted living units for people over 65 years of age (40 units); associated medical and recreation facilities in a Care Support Facilities block (including mobile medical treatment, hairdresser, etc.); the construction of 5 no. respite care bungalows; and 5 no. detached dwellings (open market housing separate to the care facility) fronting Burywater Lane. Vehicular access to the site would be secured from Burywater Lane following the demolition of the dwellings known as No. 1 & 2 Hillside, Burywater Lane, Newport, Essex CB11 3UA - Granted 30 October 2013 – (site area is 1.98ha)

UTT/14/2900/DFO

UTT/14/2901/DFO These are the reserved matters relating to the 5 dwellings the main

UTT/14/2902/DFO outline application UTT/13/1817/OP - Details of access,

UTT/14/2903/DFO appearance, landscaping, layout and scale for Plot 1, 2, 3, 4,&
UTT/14/2904/DFO 5 – Approved 31 December 2014

- Outline application superseded by UTT/16/0459/OP - Outline planning application for the redevelopment of land to the rear of Bury Water Lane with some matters reserved. The detailed element to consist of engineering works to create a new means of vehicular access to the site involving the demolition of the property known as Ersanmine, Bury Water Lane; works within the front gardens of numbers 1 and 2 Hillside for visibility splay improvement; and associated upgrade works at the junction with Bury Water Lane. The outline element to consist of the development of a residential care home facility (up to 50 beds) together with an extra care development (up to 90 units comprising of apartments and cottages) all within Use Class C2; associated communal facilities; provision of vehicular and cycle parking together with all necessary internal roads and footpaths; provision of open space and associated landscape works; and ancillary works and structures. – Granted 1.11.2016 Demolition works have commenced on site.
 - UTT/16/0459/FUL deletes Plots 3 -5 of the above DFO applications
- 3) UTT/13/1533/FUL - Land Adj Bury Grove Whiteditch Lane - Construction of a new dwelling with garage and associated landscaping - Granted 14 August 2013 (site area is 0.183ha)
UTT/15/1942/FUL - Erection of a pair of detached dwellings and garages – Granted 7.08.2015
 - 4) UTT/13/2553/FUL - Land Adj Holmwood Whiteditch Lane - Proposed new dwelling - Granted 26 November 2013 – (site area is 0.14ha)
 - 5) UTT/13/2973/FUL - Land Adj Branksome Whiteditch Lane - 1 no. Dwelling and cartlodge - Granted 13 March 2014 – (site area is 0.36ha)
 - 6) UTT/13/3234/FUL - Land Adj Holmwood Whiteditch Lane - Erection of 1 no. detached dwelling with detached garage (alternative scheme to that approved under planning permission UTT/13/2553/FUL) - Granted 17 February 2014 – (site area is 0.12ha)

2014

- 7) UTT/14/1639/FUL - Land Adj Holmwood Whiteditch Lane - Proposed new dwelling (plot 2). Revised - (site area is 0.12ha) - Granted on 8/8/2014
- 8) UTT/14/1708/FUL - Land North Of Hope Cottage Whiteditch Lane - Proposed two storey five bedroom house with detached garage/carport and associated access - Granted 25 July 2014 (site area is 0.376ha)
- 9) UTT/14/1794/OP - Land Opposite Branksome, Whiteditch Lane - Outline application with all matters reserved for 15 residential units (incorporating alteration to access road and garage position previously approved under UTT/13/2973/FUL) – Refused – 16/9/2014 – (site area is 0.865ha) – Allowed under appeal 23/7/15
UTT/16/0786/DFO - Details following outline application UTT/14/1794/OP (for the erection of 15 no. dwellings and alteration of access), details of layout, access, scale, landscaping and appearance – Granted 15.12.2016
- 10) UTT/14/2136/FUL - Tudhope Farm Whiteditch Lane - Proposed dwelling and garage – Granted 30 September 2014. – (site area is 0.144ha)
- 11) UTT/14/3266/OP Land South of Wyndhams Croft. Outline for 15 dwellings. Granted and later quashed under Judicial Review. Currently being resubmitted, however UTT/14/3266/OP is now currently pending determination following a screening opinion being issued. – Granted 18.12.2015 (DFO - UTT/15/3824/DFO)
- 12) UTT/14/3815/FUL- Land Adj Holmwood Whiteditch Lane - Proposed new dwelling - Granted 5 March 2015- (site area is 0.14ha)

2015

- 13) UTT/15/0879/OP - Land at Holmwood Whiteditch Lane - Outline application for the erection of 12 no. dwellings with all matters reserved except access – Refused planning permission. (Site area is 1.48ha) – Resubmitted see below – Allowed on appeal 24.07.2015
- 14) UTT/15/1942/FUL – Erection of a pair of detached dwellings and garages – Land Adj Bury Grove Whiteditch Lane – Granted on 7/8/2015
- 15) UTT/15/1664/FUL - Land Rear Of Branksome - Removal of existing structures and erection of 2 no. detached dwellings and garages – resolved to be granted at 25/8/2015 Planning committee
- 16) UTT/15/2106/SCO - Land South Of Wyndhams Croft - Request for screening opinion in respect of development of 15 dwellings - No EIA required.
- 17) UTT/15/3824/DFO - Land South of Wyndhams Croft - Details following outline application UTT/14/3266/OP for 15 dwellings - details of appearance, landscaping and layout – Granted 29.06.2016

2016

- 18) UTT/16/0280/FUL – Branksome - Part demolition and extension of existing dwelling and erection of 1 no. new dwelling together with cartlodes and access – Granted 5.05.2016
- 19) UTT/16/0383/SCO - Branksome - Request for a screening opinion in respect of and application for part demolition and extension of existing dwelling and erection of 1 no. New Dwelling together with cartlodes and access – No EIA required
- 20) UTT/16/0786/DFO - Land Adj Branksome - Details following outline application UTT/14/1794/OP (for the erection of 15 no. dwellings and alteration of access), details of layout, access, scale, landscaping and appearance – Granted 15.12.2016
- 21) Redbank UTT/16/2538/FUL – Demolition of existing property and the construction of five dwellings including associated parking. Granted 20.01.2017
- 22) UTT/16/1574/DFO – Sworders site - Reserved matters application for the erection of 84 dwellings and related development .Following outline approval UTT/13/1769/OP - details of appearance, landscaping, layout and scale. – Granted 18.11.2016
- 23) UTT/15/3423/FUL - Bricketts London Road Newport - Proposed demolition of existing dwelling and erection of 3 replacement dwellings and garages. Granted 22 January 2016

Alternative scheme to above;

- 24) UTT/16/1290/OP - Bricketts London Road Newport - Outline application, with all matters reserved except for access, for demolition of existing dwelling and erection of up to 11 dwellings with associated access and parking. Granted 29th November 2016
- 25) UTT/2364/FUL – Land west Cambridge Road Newport - Construction of 34 affordable rural dwellings with roads, parking and open space. Granted 17 March 2016. This is currently under construction.

Outstanding Applications:

23) Applications;

UTT/15/2574/FUL Is for the erection of single detached dwellings on UTT/15/2575/FUL Plots 1, 2, 3, 4 and 5 in connection with the approve UTT/15/2576/FUL Outline application UTT/13/1817/OP. Like above UTT/16/0459/FUL deletes Plots 3 -5 UTT/15/2577/FUL UTT/15/2578/FUL

- 24) UTT/16/2024/FUL - Development of 20 no. dwellings including access road, cartlodes and associated landscaping
- 25) UTT/15/3666/FUL - Proposed new dwelling and garage (Revision to planning permission granted under UTT/14/1639/FUL).
- 26) UTT/17/0140/OP - Land To The East Of Whiteditch Lane (rear of Wydhams Croft) - Outline application with all matters reserved except for access and layout for the demolition of existing outbuildings and the erection of 5 no. detached dwellings with associated amenity spaces and parking.
- 27) UTT/15/1869/FUL – Land west of London Road - Erection of 94 residential dwellings including flexible mixed use building (Use Classes B1, D1 or D2); open space, landscaping and new access – Currently under appeal following refusal
- 28) UTT/17/0120/FUL – adjacent to subject site- New pedestrian footpath – Withdrawn

7. POLICIES

7.1 National Policies

- National Planning Policy Framework

7.2 Uttlesford District Local Plan 2005

- Policy S7 – Countryside
- Policy GEN1 – Access,
- Policy GEN2 – Design,
- Policy GEN4 – Good Neighbourliness,
- Policy GEN5 – Light Pollution,
- Policy GEN7 – Nature Conservation,
- Policy GEN8 – Vehicle Parking,
- Policy ENV5 – Protection of Agricultural Land,
- Policy ENV12 – Protection of Water Resources,
- Policy ENV14 – Contaminated Land,
- Policy ENV15 – Renewable Energy,
- Policy H1 – Housing Development,
- Policy H3 – New Houses within Development Limits,
- Policy H9 – Affordable Housing,
- Policy H10 – Housing Mix

7.3 Supplementary Planning Documents:

- ECC Parking Standards (September 2009);
- Uttlesford Local Residential Parking Standards (February 2013)
- Energy Efficiency and Renewable Energy (October 2007)

8. PARISH COUNCIL COMMENTS

8.1 Altering the access to the five houses, of which this is one, from a route along Bury Water Lane and through the Care Village, to one along Bury Water Lane and Whiteditch Lane completely changes the nature of this proposal. While it still uses the same piece of land, it now amounts to part of a new proposal to build five houses on Whiteditch Lane, and accordingly should be treated as such.

- The proposed dwelling would be outside development limits.
- The Planning Statement in support of Reserved Matters Application, point 2.10, states “paragraph 2.1 sets out the rationale for taking access from Whiteditch Lane rather than from the internal estate road for the care village. This would be beneficial

for occupants of the new house, would reduce vehicular activity within the care village development and would also provide more accessibly located parking spaces". The reduction in vehicular activity within the Care Village will improve safety within it. The roads in the Care Village are of a much greater standard than Whiteditch Lane. Turning this development round so that access is via Whiteditch Lane will worsen standards of safety in Whiteditch Lane more than the improvement in the Care Village. This is contradictory if it is supporting the Care Village. Whiteditch Lane is a by-way not an adopted highway

- Whiteditch Lane, Bury Water Lane and School Lane are inadequate for the current traffic and are totally unsuitable for additional housing
- At the point of which Whiteditch Lane meets Bury Water Lane (BWL), BWL has no footpath and sight lines are completely obscured.
- There is no footpath or pavement in the lane which is extremely hazardous and dangerous for pedestrians, especially the disabled or with children requiring pushchairs. If this proposal is to be approved, a condition of the approval should be the provision of a footpath along Whiteditch Lane from its junction with Bury Water Lane as far as this development. If this is not feasible planning permission should be refused
- The narrow lane would be blocked by construction and refuse vehicles and for short periods when existing or proposed biological tanks are emptied and oil deliveries made. Emergency vehicles would be unable to gain access.
- There are occasions when large vehicles have to reverse down the whole length of the lane.
- Each development is being considered separately rather than looking at the total, no upper limit has been placed on the number of houses that can be built on White Ditch Lane and Bury Water Lane.
- The five houses that these proposals relate to were included in the Care Village scheme to enable the whole scheme to be viable. Decoupling them from the overall scheme will mean that these five houses will be built, and the Care Village will cease to be viable. To avoid this, if the scheme is to be approved, a condition should be applied that does not permit work to commence on these five houses until the Care Village is complete.
- On the main proposal, site access is shown via Whiteditch Lane whereas on the document produced by the Stilwell Partnership attached to the Stage 1 Road Safety Audit, access is shown via Hillside, which is contradictory.
- Details are included on the plan legend (point 6) of a wheelchair turning circle and lift space within the houses, but there is no provision made on the actual drawing.
- The proposed dwelling by reason of its layout and design is unacceptable by reason of its substandard parking layout resulting in on-street parking to the detriment of the pedestrian and highway safety, contrary to Policies GEN8 and GEN2 of the Uttlesford Local Plan (adopted 2005) and the NPPF.
- At the existing Willow Vale scheme, which is at the junction of Bury Water Lane/School Lane, cars park at the front of the development. This was not envisaged when this scheme was developed and adequate parking provision was not made. Therefore, single track provision on these drawings will not be adequate.
- In the same way the passing places shown on the plan will be filled by people parking particularly at weekends and it would be impossible to prohibit parking in these bays.
- The distance to the Primary School and village amenities is considered unreasonable in the absence of safe walking routes/pavements in Whiteditch Lane and School Lane. Currently the Primary School is oversubscribed in certain classes.
- There is a significant flood risk; earlier this year the junction of Bury Water Lane and School Lane was totally impassable, which is an occurrence that has been frequent (more than one time per year). At these times no vehicular movement is possible and access to the west side of BWL and all of Whiteditch Lane are impossible. We

endorse the concerns expressed by ECC in their letter of 15th October, 2014, copy below.

- We object to the proposal as it is environmentally unsound to have separate sewage systems and we understand this proposal is against UDC planning policy.
- UDC plan for 50 “windfall” houses per year. Newport seems to have had a very large share of these.
- Please carry out a formal site visit before making a decision on this application and ensure that the visit is on a day when Newport Free Grammar School is open.

8.2 This proposal, rather than being a modification of an existing scheme, because of the change in access should be regarded as a new one. Issues of access which should be dealt with at the initial consideration of such a proposal, are being deferred to the detail stage, thus circumventing proper consideration at the appropriate point. Whiteditch Lane is wholly inadequate to cope with increased volumes of traffic. Approval of these five schemes will undermine the development of the Care Village, almost certainly leading to a further revised planning application for that site. It should be rejected.

9. CONSULTATIONS

Anglia Water

9.1 No comments.

ECC Ecology

9.2 No objections. The site forms part of a wider parcel of land which Place Services Ecology has been consulted on previously. The piece of land for which this application relates to appears (from recent aerial and street view imagery) to contain greenhouses and some tall ruderal vegetation, which a ditch running parallel to Burywater Lane. All of the surveys recommended in the original Ecological Appraisal (for the wider site) were undertaken (bats, great crested newts and two reptile surveys) and none recorded any presence. Although numerous enhancements were recommended for the wider site, they may not apply to such a small area.

ECC Archaeology

9.3 Potential archaeological implications recommend trial trenching condition.

ECC Highways

9.4 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

10. REPRESENTATIONS

10.1 The surrounding neighbouring occupiers have been consulted of the application. The application has also been advertised on site. Following consultation 11 letters of objections have been received raising the following concerns;

- The application should be described as Whiteditch Lane as opposed to Burywater Lane;
- Speculation as to why the care home developers are not undertaking the dwellings;
- Loss of countryside;
- The submission details relate to the care home scheme and the Whiteditch lane has

- changed considerably since then, such as traffic;
- The amendments apply to both the dwellings and the care home therefore should not be applied separately;
 - Demolition should be done together to avoid unnecessary noise and disturbance;
 - There is no mention of alterations to Whiteditch Lane and the highway safety issues remain;
 - Confusing documents regarding access;
 - Highway and pedestrian safety;
 - Construction traffic/ should be minimised on Whiteditch lane;
 - The applications for the 5 plots needs to be considered together;
 - No passing bays;
 - Planning permission should not be granted;
 - Scheme should not be considered a sit has been separated from the care home;
 - The scheme should be accessed from an alternative means;
 - Provision of utilities;
 - No street parking
 - Original approval stipulates that all demolition and construction work cannot begin until the access road has been constructed on the land currently occupied by the dwellings known as No.1 & 2 Hillside, Bury Water Lane and I see no good reason to change this;
 - No maintenance proposed for byway;
 - Not in keeping;
 - Scheme should only be approved under the original conditions;
 - Avoidance of infrastructure upgrading through the loss of conditions;
 - No insurance that the care village would be implemented;
 - Increase in traffic/congestion;
 - Restricted road capacity;
 - Similar designed dwellings;
 - Obscure glazing on any overlooking windows;
 - Dwellings should not front lane;
 - Concern that the proposed passing places would be extension the proposed dwellings;
 - Cumulative impact should be considered;
 - Poor water pressure and sewage disposal;
 - Increased water runoff and the risk of flooding;
 - Primary reason for allowing the market dwellings was the viability of the care home;
 - Construction Traffic Management Plan condition added to reserved matters;
 - Application does not specify for any alterations, demolition or re-build therefore a further application should be applied for;

10.2 A letter has been received from Councillor Neil Hargreaves raising the following comments;

- All the previous concerns about the unsuitability of Whiteditch Lane for further houses apply. (Single track byway, no lighting, no footway, a dead end, not wide enough for large vehicles to pass, access is via a blind S bend, and with permissions already granted for 28 houses plus another 30 applied for). The application therefore breaches three parts of UDC Policy GEN1 which says the traffic generated by a development must be 'capable of being accommodated on the surrounding transport network, must 'not compromise road safety and must take account of the needs of cyclists, pedestrians, horse riders and people whose mobility is impaired' and the development 'should encourage movement by means

other than driving a car’;

- The application claims it is safer to exit onto Whiteditch Lane than via the care complex. The care complex is required to build a new exit bypassing Whiteditch Lane and will have a good standard new two way road within it. This is clearly much safer than accessing via the unsuitable and unsafe Whiteditch Lane;
- These five houses were originally given permission as part of the care home application and neither the houses nor their access was objected to at the time, on grounds that they are part of the funding arrangement for the new road access and other nearby highway improvements and had no impact on Whiteditch Lane. They were allocated no education or health charges or affordable housing contribution. It however appears that this was a ploy to get permission for highly profitable houses on a site identified in the draft Local Plan as commercial. And being set bordering Whiteditch Lane it was likely always the intention to switch access away from the care home to add to their value. This further application appears to be an attempt to now avoid contributing to the highways costs;
- These houses are large full market, but being individual applications they make no contribution of any sort to the local infrastructure or service costs. The original conditions from the permission in 2013 should stand, and as these new applications appear only to obtain a greater profit on permissions already given they should be refused.

11. APPRAISAL

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

- A Principle;
- B The impact of the proposed scale, layout and appearance on the character and amenity of the area;
- C Highways;
- D Other material considerations

A Principle

- 11.1 The site is located outside the development limits for Newport defined by Policy S3 of the Local Plan and is therefore located within the countryside where ULP Policy S7 applies. This specifies that the countryside will be protected for its own sake and 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 the development in the form proposed needs to be there. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence, the proposal is contrary to Policy S7 of the 2005 Local Plan.
- 11.2 The Council has commissioned a Compatibility Assessment which confirms that Policy S7 is partly consistent with the NPPF in that the protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development but that the NPPF takes a positive approach, rather than a protective one. It is considered that although Policy S7 is still relevant to the consideration of this application, there also remains a presumption in favour of sustainable development as

set out in Paragraph 14 of the NPPF.

- 11.3 This application was originally submitted prior to the submission of the revised outline care home scheme on the land to the rear, UTT/16/0459/OP, and on the basis to disentangle these plots and their development from the main care home scheme and related conditions and Section 106 Obligations. Since the submission of this application and the adjacent Plot 1, UTT/15/2574/FUL, there have been other applications and development which have delayed the determination of these applications. Nonetheless the principle of two houses on this site has been previously considered under the outline application and reserved matters applications and the location has been deemed to be sustainable.

B The impact of the proposed scale, layout and appearance on the character and amenity of the area (Local Plan Policies GEN2, GEN4, H10, ENV12, ENV15 & SPD: Energy Efficiency and Renewable Energy);

- 11.4 The previous schemes (UTT/14/2900/DFO, UTT/14/2901/DFO, UTT/15/2574/FUL and UTT/15/2575/FUL) for this site involved two out of a total of five dwellings proposed fronting Whiteditch Lane. The other three dwellings fall outside of this application site and now within the larger care home site.

- 11.5 These schemes for Plots 1 and 2 are large traditional housing reflecting the design up and down Whiteditch Lane and of dwellings which have been recently approved. The dwelling will have a height of 7.7m, also be 11.5m wide and 15.5m deep. This would be characterised by hipped roofs and gables which would have a mixture pallet of materials, cladding, brick and render. This facilitates in reducing the overall massing of the proposed dwelling. The garage would also be constructed from painted weatherboarding and slate roof. Both structures consisting of a brick plinth. The overall design is consider to be acceptable and in accordance with Policy GEN2.

- 11.6 Plot 2 is of a detached dwelling which has a detached two-car deep open garage located to the side of the dwelling. This would be 14.2m (d) x 4m (w) x 4.1m (h). The dimensions of the garage accords with Essex Parking Standards.

- 11.7 The widening of the lane to the extent proposed to provide passing bays would detrimentally alter the character and appearance of the lane and the rural appear of the locality, particularly when considered against passing bays which have been granted as part of another residential scheme opposite this development site. Its reduction and to leave larger sections of the ditch open can be conditioned should planning permission be granted. This would also accord with application's UTT/17/0436/FUL amended design.

- 11.8 The rear garden proposed exceeds Essex Design Guidance in terms of its size, having a garden in excess of 1728.75sqm.

- 11.9 Due to the siting and design of the dwellings these are unlikely to cause overlooking or impact upon residential or visual amenities of the neighbouring occupiers. There is a distance of 17m from Plot 1 located to the south. The window located on the northern flank overlooking 3 Whiteditch Lane serves an en-suite. There is a level of landscape screening the site which would be retained and can be further enhanced to soften the proposed scheme. This can be secured through a landscaping condition should planning permission be granted. This is considered to be in accordance with Policy GEN2 and GEN7 of the Local Plan.

- 11.10 The dwellings would be designed to Lifetime Homes standards and are therefore

accessible in design, in accordance with Policy GEN2 and Accessible Homes and Playspace SDP.

11.11 Overall the proposed scheme is in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

C Highways, Accessibility and Parking (Local Plan Policies GEN1, ENV13 and GEN8);

11.12 Local plan policy GEN1 states “development will only be permitted if it meets all of the following criteria;

- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
- b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
- c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.
- e) The development encourages movement by means other than driving a car.”

11.13 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework.

11.14 Details of the highway implications were previously considered under the outline application therefore it is not for consideration under this application.

11.15 Since the original outline application in 2013 it has become clear that the individual dwellings would be best served by their own independent driveways, served off Whiteditch Lane. Negotiation with prospective operators of the care village has identified an operational need for the market dwellings to be accessed from Whiteditch Lane instead of through the care site. This application reflects this and what was later agreed at the reserved matters stages for these market dwellings.

11.16 A Transport Statement has been submitted in support of the application. The rationale behind such road safety has also been considered by Essex County Council as highway authority and they have not raised objection to the proposed access. They have also recommended appropriate planning conditions in order to protect and safeguard other road users. With adequate off-street car parking spaces provided and the proximity of the site to rural bus services overall the proposal can be considered sustainable and in accordance with Policies GEN1 and GEN8.

11.17 In terms of car parking standards the Essex Parking Standards (2009) seeks for 1 car parking space for up to 2 bedroom units, 2 car parking spaces for 3 bedroom units and the Uttlesford Local Parking Standards (March 2013) seeks 3 car parking spaces for 4 plus bedroom dwellings, with a visitors parking provision of 0.25 spaces per dwelling. The proposal demonstrates sufficient parking being provided with adequate turning table within the site. This is in accordance with Policy GEN1, GEN2 and GEN8 of the Uttlesford Local Plan, Essex Parking Standard (2009) and Uttlesford Local Parking Standard, and the NPPF.

D Other material considerations;

11.18 Due to the size of the application site and the fact that the site also falls within Flood

Risk Zone 1 no flood assessment is required. This is in accordance with Local Plan Policy GEN3 and the NPPF. However, there is a drainage ditch which runs along the frontage of the site and separates the site from the Lane. The proposal plans show/implies that this would be in filled. Following discussions with the agent it was stated that this would be culverted. The level of are to be culverted has been reduced. The provision of a bonded drive has been amended to be permeable. Whilst details of the drainage are outside the remit of ECC Suds a licence would need to be obtained to undertake culverting works. This is in accordance with Local Plan Policy GEN3.

- 11.19 Whilst biodiversity and protected species are a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. Case law has established that local planning authorities have a requirement to consider whether the development proposals would be likely to offend Article 12(1), by say causing the disturbance of a species with which that Article is concerned, it must consider the likelihood of a licence being granted.
- 11.20 The tests for granting a licence are required to apply the 3 tests set out in Regulation 53 of the Habitats Regulations 2010. These tests are:
- The consented operation must be for "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"; and
 - There must be "no satisfactory alternative"; and
 - The action authorised "will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".
- 11.21 An updated Ecological Survey was submitted as part of this application. The Bat Survey submitted dates June 2013 which outlines that there were no Bats in the area and no further Bat Surveys would be required.
- 11.22 No objection has been raised by ECC Ecology subject to conditions. This accords with Local Plan Policy GEN7, and the NPPF's regarding sustainability of developments.
- 11.23 No objection has been raised by the Council's Landscape Officer either. The scheme is therefore considered to accord with Local Plan Policies GEN7 and GEN2, subject to conditions being imposed relating to protective fencing and details of landscaping should planning permission be granted.
- 11.24 There is related contamination issues of which have been commented on by Environmental Health. No objections have been raised subject to conditions should planning permission be granted.
- 11.25 No objections have been raised by ECC Archaeology subject to conditions should planning permission be granted. This is therefore in accordance with Policy ENV4 of the Local Plan.

12. CONCLUSION

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

- A The principle of dwellings on this site is acceptable and the location has been deemed to be sustainable, in accordance with Local Plan Policy S7 and the NPPF.
- B In terms of design the scheme the overall size, scale, layout and appearance is acceptable. No to minimal overlooking and overshadowing is considered. The scheme is in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the Essex Design Guide (2005).
- C With regards to Highways the number of vehicle which would be generated from this proposal, the proposed parking layout and the design of the scheme is considered to be acceptable and in accordance with Local Plan Policies GEN1, GEN2, GEN8 of the Uttlesford Local Plan, Essex Parking Standard (2009) and Uttlesford Local Parking Standard, and the NPPF, subject to conditions should planning permission be granted. This addresses the second reason for refusal.
- D The site also falls within Flood Risk Zone 1 where no flood assessment is required in accordance with Local Plan Policy GEN3 and the NPPF. However, there is a drainage ditch which runs along the frontage of the site and separates the site from the Lane. The proposal plans implies that this would be in filled. Following discussions with the agent it was stated that this would be culverted. The level of culverting has been since reduced. Whilst details of the drainage are outside the remit of ECC Suds a licence would need to be obtained to undertake such works. This is in accordance with Local Plan Policy GEN3.

ECC Ecology raises no objections subject to conditions should planning permission be granted. This is now in accordance with Local Plan Policy GEN7, and the NPPF.

There is related contamination issues of which have been commented on by Environmental Health. No objections have been raised subject to conditions should planning permission be granted.

No objections have been raised by ECC Archaeology subject to conditions should planning permission be granted. This is therefore in accordance with Policy ENV4 of the Local Plan.

RECOMMENDATION – CONDITIONAL APPROVAL

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. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(i) a survey of the extent, scale and nature of contamination;
(ii) an assessment of the potential risks to:
human health, property (existing or proposed) including buildings and service lines and pipes, adjoining land, groundwaters and surface waters and ecological systems. This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11".

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

3. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

4. The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

5. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority and work halted on the part of the site affected by the unexpected contamination. An assessment must be undertaken in accordance with the requirements of condition 2, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 3. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 4.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005)

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

approved by the planning authority.

REASON: The Historic Environment Record and the Historic Environment Characterisation study indicate that the proposed development lies within a potentially sensitive area of heritage assets. No information has been submitted with the application with regard to the potential historic environment impacts of the proposed scheme. 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. Recent trial trenching to the west and north of the site identified limited prehistoric occupation (EHER 48597).

7. Prior to the erection of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall thereafter be carried out as approved. These details shall include [for example]:-
 - i. hard surfacing materials;
 - ii. means of enclosure;
 - iii. car parking layouts;
 - iv. other vehicle and pedestrian access and circulation areas;

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

8. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

9. If within a period of 5 years from the date of planting the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

REASON: To ensure the suitable provision of landscaping within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

10. Prior to the erection of the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development, including windows and doors, hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

11. All of the 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.

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

12. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Local Plan Policies GEN2 and GEN7. Paragraph 109 of the NPPF states that the planning system should seek to enhance the natural environment by providing net gains in biodiversity wherever possible, and incorporating biodiversity in and around developments should also be encouraged under Paragraph 118.

13. A biodiversity management plan (BMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the BMP shall include the following:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The BMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Local Plan policies GEN2 and GEN7. Paragraph 109 of the NPPF states that the planning system should seek to enhance the natural environment by providing net gains in biodiversity wherever possible, and incorporating biodiversity in and around developments should also be encouraged under Paragraph 118.

14. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

15. The first floor flank window for Plot 2 on the northern elevation shall be obscure glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall thereafter be retained in that window.

REASON: To avoid overlooking of the adjacent property in the interests of residential amenity in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

16. Prior to occupation, the northern access shall be constructed to a minimum width of 6 metres, which would allow its use as an informal passing place on Whiteditch Lane. The southern access shall be constructed to a minimum width of 5 metres. The informal passing place shall be retained at all times. Both accesses shall be provided with an appropriate crossing of the highway very.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety, in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

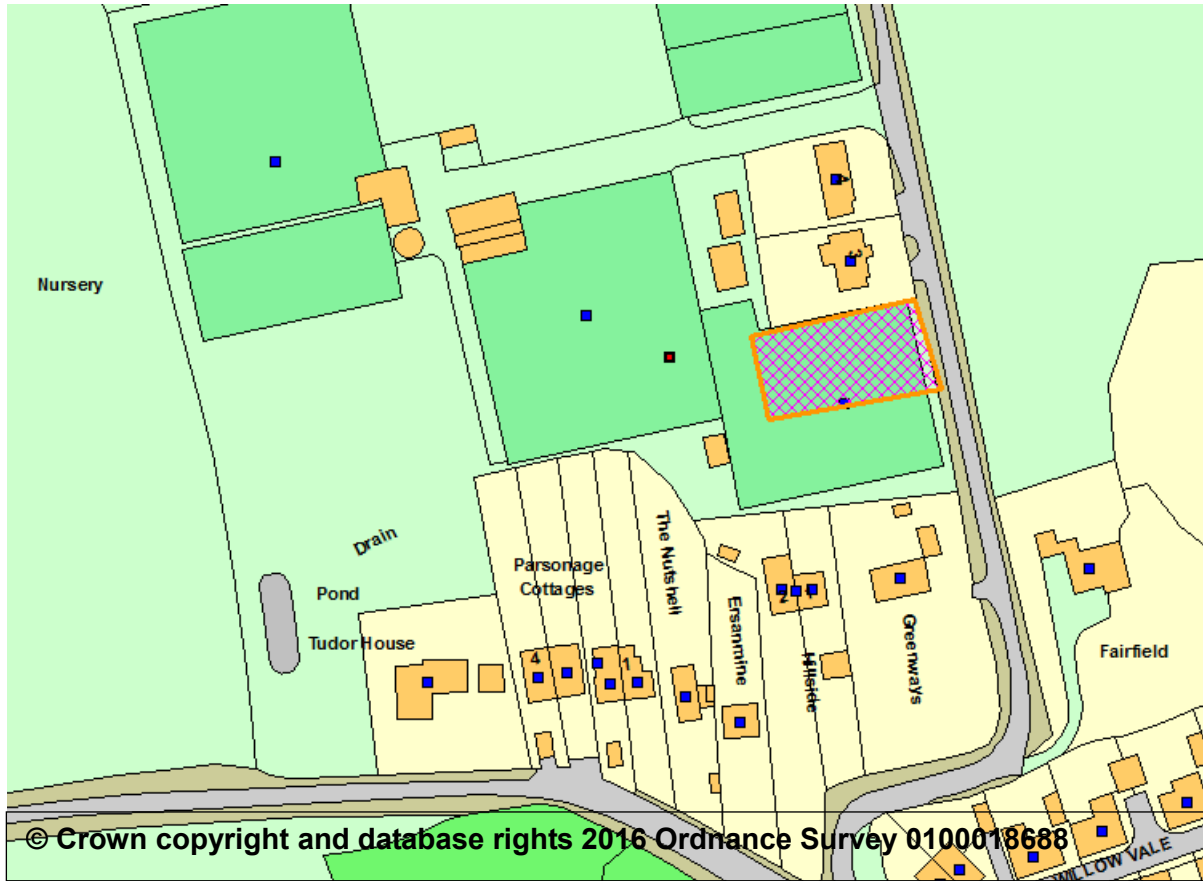
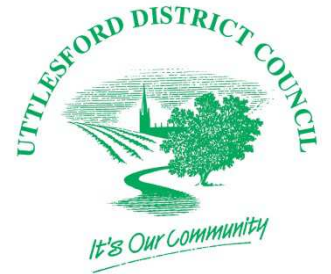
17. The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans has been provided. The vehicle parking areas and associated turning areas shall be retained at all times.

REASON: To ensure that on-street parking of vehicles in the adjoining highway does not occur in the interests of highway safety and that appropriate parking is provided, in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005), Essex Parking Standards (2009) and Uttlesford Parking Standards (2013).

18. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6m from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety, in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

Application: UTT/15/2575/FUL
Address: Hillside and Land to the Rear of Bury Water Lane
Bury Water Lane, Newport



Organisation: Uttlesford District Council

Department: Planning

Date: 26 April 2017