

## UTT/17/0436/FUL - (NEWPORT)

(Deferred to committee due to similar outstanding applications UTT/15/2574/FUL & UTT/15/2575/FUL being called in by Cllr Parry on the grounds of capacity of the local infrastructure and highway issues)

**PROPOSAL:** Remove existing greenhouses and erection of two detached dwellings and two semi-detached dwellings

**LOCATION:** Land At Whiteditch Lane Newport Essex

**APPLICANT:** Mrs V Barba

**AGENT:** Pelham Structures Ltd

**EXPIRY DATE:** 15 May 2017

**CASE OFFICER:** Maria Shoemith

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### 1. NOTATION

1.1 Outside Development Limits, Groundwater Source Protection Zone

### 2. DESCRIPTION OF SITE

- 2.1 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. This originally wrapped around 2no. two-storey detached houses (Nos. 3 and 4 Whiteditch Lane) that front onto the Lane. This application now only relates to the parcel of land to the south of these properties.
- 2.3 Planning permission was originally granted for five dwellings on Plots 1-5 is proposed to be located either side of these existing dwellings. The granting of the revised care home scheme UTT/16/0459/OP has resulted in the loss of 3 of the 5 dwellings and this application now seeks the subdivision of the two dwelling site to now provide 4 dwellings.
- 2.4 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 Greenways that fronts Whiteditch Lane forms the shared boundary with the application site.

2.5 There is a wet drainage ditch that runs along the front of the site.

### **3. PROPOSAL**

3.1 The application is for the proposed erection of four x 3 bedroom dwellings together with parking to the front.

3.2 The proposed dwelling's core would be 8m wide x 12.4m deep for the detached dwellings and 11.5m x 15.5m for the pair of semi-detached dwellings. The dwellings are two-storey with traditional appearance and form, differing from the previous submission. The scheme would have a height of 7.8m to 8.4m the ridge.

3.3 They would be 3 bedrooms dwellings with private gardens ranging from 100 to 106sqm in area. The dwellings would be designed to lifetime homes standards.

3.4 Outline planning permission was granted under UTT/13/1817/OP and reserved matters were granted UTT/14/2900/DFO. Planning permission however, has been recently refused for 4 dwellings on this plot under reference number UTT/16/3325/FUL. This was refused under the following grounds;

- 1) The proposed development by reasons of its design, and siting, with its vertical three storey appearance, as well as the provision of a semi-detached property, is out of keeping with the surrounding neighbouring properties to the detriment of the appearance of the surrounding locality in this countryside setting. This is contrary to Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
- 2) The proposed development by reason of its cramped frontage layout provides insufficient parking to the detriment of highway and pedestrian safety, contrary to Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan, Essex Parking Standard (2009) and Uttlesford Local Parking Standard, and the NPPF.
- 3) Insufficient information has been provided to be able to assess the implications upon ecological contrary to Policy GEN7 and the NPPF.

3.5 This application seeks to address the previous grounds for refusal.

### **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 The following information has been submitted as part of the application;

- Design and Access Statement;
- Bat Survey

## 6. RELEVANT SITE HISTORY

6.1 This application is a resubmission of UTT/16/3325/FUL which was for the “Remove existing greenhouses and provide two detached dwellings and two semi-detached dwellings.” This was refused on 25 January 2017.

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 Land 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/FUL - 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 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

#### **Supplementary Planning Documents:**

- ECC Parking Standards (September 2009);
- Uttlesford Local Residential Parking Standards (February 2013)

## **8. PARISH COUNCIL COMMENTS**

- 8.1 Newport Parish Council no comments received at the time of writing the report.

## **9. CONSULTATIONS**

## **MAG**

- 9.1 Thank you for consulting the Aerodrome Safeguarding Authority for Stansted Airport on the above application. The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with any safeguarding criteria. Accordingly, the Aerodrome Safeguarding Authority for Stansted Airport has no safeguarding objections to the proposal.

## **ECC Archaeology**

- 9.2 The following recommendation is in line with the new National Planning Policy Framework. Condition an Archaeological Programme of Trial Trenching followed by Open Area Excavation.

## **ECC Highways**

- 9.3 No objections subject to conditions.

## **NATS**

- 9.4 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal. However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted. If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

## **UDC Environmental Health**

- 9.5 The soil report submitted in support of application UTT/13/1817/OP confirmed that contamination potentially harmful to human health is likely to be present across the larger site of which this application forms a part. This needs to be assessed and remediated if necessary.

## **ECC Ecology**

- 9.6 The site appears to contain boundary vegetation with the potential for reptiles, and due to the known presence of reptiles on the adjacent site (through ecological reports undertaken for planning application number UTT/16/0459/OP); it is likely that reptiles are on-site. Reptiles are nationally protected species (Wildlife and Countryside Act 1981 as amended) and it is an offence to kill or injure them. I therefore recommend an ecologist is engaged to determine the likelihood of reptiles being present on-site and develop a mitigation plan for these species if so.

The results of this assessment, and any surveys and mitigation 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 Conservation of

Habitats and Species Regulations (2010), the Wildlife and Countryside Act (1981; as amended), Natural Environment and Rural Communities Act (2006) the National Planning Policy Framework and Government Guidance (<https://www.gov.uk/guidance/protected-species-and-sites-how-to-review-planning-proposals>). No site clearance should take place until ecological work is complete. To find a suitably qualified ecologist, please contact the Chartered Institute of Ecology and Environmental Management (<http://www.cieem.net/>) in the first instance.

Although the Bat Survey (Essex Mammal Surveys 2013) is out of date, the greenhouses have negligible bat potential. It does not trigger any of the following features from the Bat Survey Guidelines (Box 1, BCT 2016):

Conversion, modification, demolition or removal of buildings (including hotels, schools, hospitals, churches, commercial premises and derelict buildings) which are:

agricultural buildings (e.g. farmhouses, barns and outbuildings) of traditional brick or stone construction and/or with exposed wooden beams;

buildings with weather boarding and/or hanging tiles that are within 200m of woodland and/or water;

pre-1960 detached buildings and structures within 200m of woodland and/or water;

pre-1914 buildings within 400m of woodland and/or water;

pre-1914 buildings with gable ends or slate roofs, regardless of location;

located within, or immediately adjacent to woodland and/or immediately adjacent to water;

Dutch barns or livestock buildings with a single skin roof and board-and-gap or Yorkshire boarding.

Development affecting built structures:

tunnels, mines, kilns, ice-houses, military fortifications, air-raid shelters, cellars and similar underground ducts and structures;

unused industrial chimneys that are unlined and brick/stone construction;

bridge structures, aqueducts and viaducts (especially over water and wet ground).

No further surveys are necessary for bats.

On receipt of the above information requested, I would like to provide suggested wording for conditions necessary to protect and enhance site ecology.

### **Amended Comments 20.03.2017**

As the below email states that the site has now been cleared, reptiles are now unlikely to be present. I would therefore like to remove my holding objection, and now have no objections subject to condition.

As it is possible that reptiles may migrate onto the site during development, a CEMP: Biodiversity should be conditioned to ensure that no harm is caused to these nationally protected species. This should contain details of how reptiles will be excluded from the development site.

I would also like to condition a management plan for biodiversity on this site, as it



shows potential for enhancement, allowing the local planning authority to meet their statutory requirements under the NERC Act (2006) and NPPF to enhance biodiversity through the planning system. This should include reference to how hedgehogs will be encouraged on-site through access provision, as they are highlighted to be potentially negatively affected in the ecological reports undertaken for UTT/16/0459/OP.

I would like to point out to the applicant that they have not attached a 'habitat survey', which they have referenced in the report. It would have been beneficial for consultees on this application to attach all of the information gathered for the site, and additionally state that the works that have now taken place, as this affects the biodiversity that is present.

## **10. REPRESENTATIONS**

10.1 The surrounding neighbouring occupiers have been consulted of the application. The application has also been advertised on site. Following consultation 2 letters of objections have been received raising the following concerns;

- Over development of the plots;
- Previously refused application UTT/16/0738/OP;
- Previous scheme of two dwellings was more in keeping with the lane;
- There has been no interest in the scheme;
- Semi-detached housing is not in keeping;
- The applicant references application UTT/13/1817 OP but doesn't point out that the 5no. dwellings were across 5 separate plots;
- Access was previously off Bury Water Lane;
- This new application is not in any way aligned with this original application;
- Not sustainable, nearest dental practice is Stansted as Saffron Walden is full;
- Does not have gas or a sewage system in place instead relying on septic tanks.
- Drainage
- The lane cannot cope with all of the additional housing, UDC has now granted permission for pushing 50 additional houses onto this lane totalling 65 houses. Please note that the lane is essentially a footpath with access granted to the houses that currently exist.
- This has a traffic flow of circa 30 cars at best. The continued granting of residencies here will now push that to 130 cars.
- disagree that the development would have no adverse effect on neighbouring property;
- Noise pollution
- Prevent subsidence issues.
- Scheme does not respect and enhance the area;
- No benefit over and above the existing permissions;
- Minimally changed from the previous application UTT/16/3325/FUL which was refused.
- Does not address the reasons for refusal
- Increases the possibility of cars needing to reverse onto Whiteditch Lane;
- Insufficient turning space for cars within each driveway;
- Only show one car per dwelling - what happens when all parking spaces are used, since none of the houses have garages;
- Suspect the passing bay will become an overflow car park for visitors and residents.
- 'utility service path' increases the risk of pedestrian injury when stepping onto Whiteditch Lane where there is no footpath;

- It also provides access for the residents of the Retirement and Care Village (with vulnerable adults) to a byway with no footpath.
- Does not comply with local plan policies;
- Debris from the demolition of the greenhouses was removed via Whiteditch Lane;
- Bridleway single vehicle width with an S bend;
- Highway safety;
- Careful consideration needed to the proliferation of passing places on the Lane to avoid the destruction of its rural characteristics;
- Frequently flooding;
- Insufficient sewage capacity;
- Congestion along Bury Water Lane past Joyce Frankland Academy;
- Current infrastructure at capacity;
- Inappropriate development;
- Destroy rural location;
- Whiteditch Lane requires significant upgrading;

Comments on representation comments;

- Sewage capacity has been previously considered as part of the large applications and this is not consider to be an issue;
- In terms of infrastructure capacity, including highway capacity has to be considered in relation to the size and scale of the scheme currently under consideration together with cumulative implications.
- Subsidence issues is not a material planning consideration, it is a civil matter.
- Reference to application UTT/16/0738/OP is not a material consideration as this is materially different to this scheme before us.

## 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 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. This application seeks the further subdivision of the site to provide 4 dwellings on site, and this is a revised application from UTT/16/3325/FUL which was for the "Remove existing greenhouses and provide two detached dwellings and two semi-detached dwellings" which was refused on 25 January 2017 for the reasons cited in paragraph 3.4 above.

11.4 Whilst the principle of housing is generally acceptable so is the nominal increase in the number of dwellings. The assessment of the design of the scheme, and any other implications would also need to be considered as well as whether this application addresses the previous reasons for refusal.

**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);**

11.5 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.

11.6 The previous schemes were larger but traditional housing reflecting the design up and down Whiteditch Lane and of dwellings which have been recently approved. These have been designed to reflect the more spacious development pattern along that frontage. This application amends the recently refused scheme, UTT/16/3325/FUL, which was contemporary in design and had more of a vertical emphasis. The design has now reverted back to a traditional design as per UTT/14/2900/DFO, UTT/14/2901/DFO, UTT/15/2574/FUL and UTT/15/2575/FUL.

11.7 The proposed scheme still provides two detached and a pair of semi-detached dwellings. All dwellings along the Lane are detached large dwellings which are set well back from the main road with the exception of the two detached chalet style bungalows which are 3 and 4 Whiteditch Lane, located adjacent to the northern boundary of the site.

11.8 There are no other semi-detached dwellings along Whiteditch Lane. However, this scheme has now been redesigned so that the semi-detached property has the external appearance of a single detached large house. This dwelling would have a height of 7.8m. The pair of detached dwellings would be 8.4m in height.

11.9 A point arise by a third party consultee regarding 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. I would concur with this, particularly in consideration of the condensed car dominated frontages. The

design of the scheme appears to be car park dominated, however the dwellings would be set back from the Lane by 14.6 to 16.8m and landscaping is indicated to be provided, including grasscrete parking bays. This can be conditioned should planning permission be granted. Nonetheless, the scheme has since been amended to reduce the erosion of the ditch bank to just provide the vehicular accesses for the dwellings.

- 11.10 The gardens proposed meet Essex Design Guidance in terms of their size, having gardens ranging between 100-106sqm. The dwellings would be designed to Lifetime Homes standards.
- 11.11 It is unclear from the proposed scheme what the indication of 'alleyways' serve and their relationship with the surrounding area and therefore this aspect is considered ill thought and unacceptable. In the absence of reserved matters being submitted or approved on the care home site to the rear of the subject application it is considered that this element together with separate application UTT/17/0120/FUL (new pedestrian footpath) is premature. The footpath and rear access from the residential properties would lead onto private land, why this is proposed it is unclear as well as the extent of the 1.8m high rear fence boundary line. Also, how this connects to the care home scheme together with the proposed design, materials of the footpath is also unclear.
- 11.12 Points raised by third party consultees regarding the pedestrian footpath also allowing vulnerable people from the care home to access the Lane is considered a valid point that this could result in the possibly of pedestrian and highway safety issues. It should be noted that this aspect has since been amended and removed from the layout plan and UTT/17/0120/FUL has since been withdrawn.
- 11.13 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. Plot 4's 45 degree angles do not both cross at the point whereby this would impact upon the neighbouring property's (number 3) light, however there would be some afternoon shading as a result of the scheme. The drop in ground levels between the two sites, with 3 Whiteditch Lane being on higher ground, would mitigate this level of impact.
- 11.14 The initial submitted drawings of the dwellings indicate some inconsistencies. Plots 3 & 4 window arrangements which do not match the elevations. The accommodation in the loft does not have any natural source of light which would be to the detriment of the residential amenities of the future occupiers of the dwellings. A gable light was indicated to Plots 1 and 2 which was unclear what they are serving and whether it is additional loft accommodation. Similarly whilst the middle first floor front window should be retained it is not indicated on the first floor layout plans. Again, all of these issues have since been addressed by the applicant and the scheme is acceptable in this respect.
- 11.15 The original first reason for refusal;
- "The proposed development by reasons of its design, and siting, with its vertical three storey appearance, as well as the provision of semi-detached properties, is out of keeping with the surrounding neighbouring properties to the detriment of the appearance of the surrounding locality in this countryside setting. This is contrary to Policy GEN2 of the Uttlesford Local Plan (adopted 2005)."

Is now considered to be addressed and the amended proposed development 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);**

- 11.16 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.”
- 11.17 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework.
- 11.18 Details of the highway implications were previously considered under the outline application. The proposed scheme is unlikely to increase the highway implications as a result of additional 2 dwellings to those previously approved. No objections have been raised by ECC Highways in this respect.
- 11.19 Access onto Whiteditch Lane has been approved under previous applications.
- 11.20 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 previous application was refused on the following grounds;  
  
“The proposed development by reason of its cramped frontage layout provides insufficient parking to the detriment of highway and pedestrian safety, contrary to Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan, Essex Parking Standard (2009) and Uttlesford Local Parking Standard, and the NPPF.”
- 11.21 The scheme has been amended to provide 3 bedroom dwellings and provide 2 car parking spaces and a visitor’s parking space each. This is in line with the car parking standards. Therefore this addresses the second reason for refusal and is now in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan, Essex Parking Standard (2009) and Uttlesford Local Parking Standard, and the NPPF.
- 11.22 The hatched red area indicated on the plans was previously discussed as being unclear whether this is within Highway land and was seen as being an inappropriate way to address the shortfall and poor parking layout then. This has been also discussed above in paragraph 10.9. Whilst the plans have been amended highways seek one of the vehicular accesses to be widened from 5m to 6m to allow for another suitable parking space along the Lane. This also can be conditioned should planning permission be granted.

## **D Other material considerations;**

11.23 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.

11.24 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.

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".

An updated Ecological Survey has not been 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. A Biodiversity questionnaire as part of this application was provided later in the process. In this there a number of the questions which should be answered yes, such as

- There would be works to a ditch as part of the application;
- There are trees, and shrubs that would be affected as part of the application;
- It relates to derelict land and rough grassland;
- There is likely rubble on site

11.25 This would require the submission of an ecological survey which has not been provided, therefore resulting in insufficient information submitted in order to assess the implications upon Ecology. ECC Ecology has initially objected to the application based on the lack of information. The Biodiversity Questionnaire has only recently been provided of which outlines the needs for an ecological survey.

However, the applicant has argued the submission of previous ecological assessments as part of previous applications on this site and that there is an extant prior approval of demolition consent for the greenhouses which has established that there is unlikely to be reptile on the site.

As a result ECC Ecology has removed their objections on this basis, subject to conditions. This is now in accordance with Local Plan Policy GEN7, and the NPPF; and the third and final reason for refusal has also been addressed.

11.26 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.

11.27 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 amendments to the scheme now addresses the first reason for refusal and it 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.

As a result of additional information submitted ECC Ecology has removed their objections subject to conditions should planning permission be granted. This is now in accordance with Local Plan Policy GEN7, and the NPPF; and the third and final reason for refusal has also been addressed.

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 – APPROVAL WITH CONDITIONS

### Conditions

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 ap-



proved 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 4 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 resi-

dential 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 White-ditch 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).

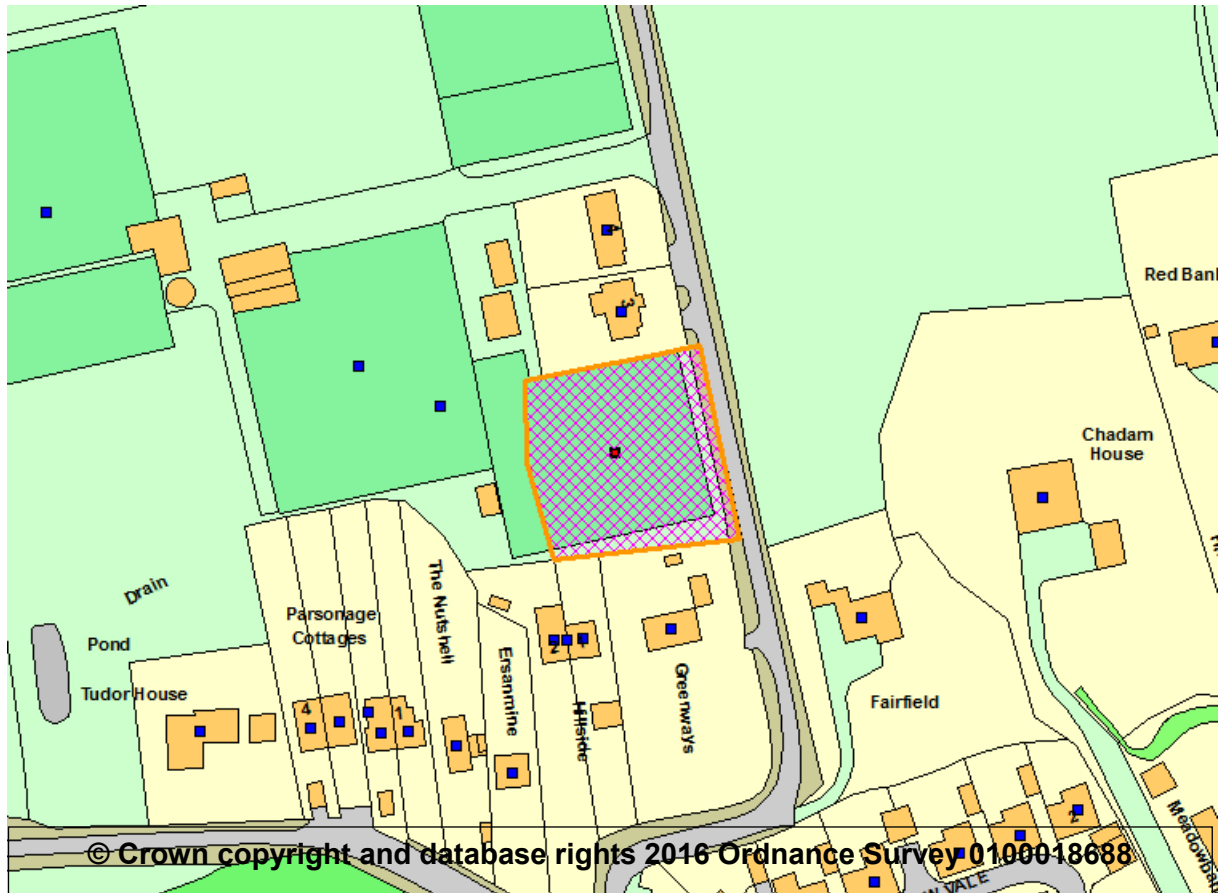
17. The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans has been provided. The vehicle parking areas and associated turning areas shall be retained at all times.

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/17/0436/FUL  
Address: Land at Whiteditch Lane Newport



Organisation: Uttlesford District Council

Department: Planning

Date: 26 April 2017