

UTT/18/3293/FUL (NEWPORT)

(Referred to Committee by Cllr Hargreaves. Reason: Traffic and access issues)

PROPOSAL: Demolition of existing dwelling and annex and erection of 1 no. replacement dwelling and 1 no. new dwelling.

LOCATION: Branksome, Whiteditch Lane, Newport, CB11 3UD

APPLICANT: Mr Peter Frost

AGENT: Pelham Structures Ltd

EXPIRY DATE: 7 June 2019

CASE OFFICER: Luke Mills

1. NOTATION

1.1 Countryside.

2. DESCRIPTION OF SITE

2.1 The site is located off Whiteditch Lane, Newport. It contains a detached bungalow, including an annex, and its grounds.

3. PROPOSAL

3.1 The application is for planning permission to demolish the existing bungalow and erect two dwellings and associated garages. The two existing access points off Whiteditch Lane would be utilised.

3.2 The proposal is a revised scheme to that approved in May 2016, which included the re-use of the existing bungalow rather than its demolition and replacement (UTT/16/0280/FUL).

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

5. APPLICANT'S CASE

5.1 The following documents were submitted with the application:

- Covering letter
- Planning Statement
- Accessibility Statement
- Biodiversity Validation Checklist
- Ecology report
- Contamination Statement
- Site Waste Management Plan

- Structural Assessment
- Sustainability Statement
- Sustainable Construction statement
- Sustainable Construction Pre-Application Checklist for Dwellings

5.2 A Bat Survey was submitted during the determination period.

6. RELEVANT SITE HISTORY

6.1 The following planning approvals are considered relevant to the subject application:

- UTT/16/0280/FUL Part demolition and extension of existing dwelling and erection of 1 no. new dwelling together with cartlodes and access (Approved: 2016)
- UTT/16/3663/FUL Application for removal of conditions 7 & 8 (Condition Surveys) following the grant of planning permission, reference UTT/16/0280/FUL (Approved: 2017)

6.2 It is noted that planning permission has also been granted for the erection of two dwellings on the paddock to the rear of Branksome (UTT/18/1305/FUL).

7. POLICIES

7.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

7.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

7.3 Relevant development plan policies and material considerations are listed below.

Uttlesford Local Plan (2005)

7.4 S7 – The Countryside
 GEN1 – Access
 GEN2 – Design
 GEN3 – Flood Protection
 GEN6 – Infrastructure Provision to Support Development
 GEN7 – Nature Conservation
 GEN8 – Vehicle Parking Standards

ENV4 – Ancient Monuments and Sites of Archaeological Importance
H1 – Housing Development
H9 – Affordable Housing

Supplementary Planning Documents/Guidance

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

National Policies

- 7.6 National Planning Policy Framework (NPPF) (2019)
- paragraphs 11, 63, 73, 78-79, 102-111, 127-131, 155-165, 170, 175 & 189-199
Planning Practice Guidance (PPG)
- Conserving and enhancing the historic environment
- Design
- Flood risk and coastal change
- Housing: optional technical standards
- Natural environment
- Planning obligations
- Rural housing

Other Material Considerations

- 7.7 West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) (2015)
Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)
NPPF 2019 – Five Year Housing Land Supply update (March 2019)
Emerging Local Plan
- The Spatial Vision
- SP 1 The Presumption in Favour of Sustainable Development
- SP 2 The Spatial Strategy 2011-2033
- SP 3 The Scale and Distribution of Housing Development
- SP 10 Protection of the Countryside
- SP 11 London Stansted Airport
- SP 12 Sustainable Development Principles
- H 1 Housing Density
- H 2 Housing Mix
- H 6 Affordable Housing
- H 10 Accessible and Adaptable Homes
- TA 1 Accessible Development
- TA 2 Sustainable Transport
- TA 2 The Provision of Electric Charging Points
- TA 3 Vehicle Parking Standards
- TA 4 New Transport Infrastructure or Measures
- INF 1 Infrastructure Delivery
- INF 2 Protection, Enhancement and Provision of Open Space, Sports Facilities and Playing Pitches
- INF 3 Health Impact Assessments
- INF 4 High Quality Communications and Super-Fast Broadband
- D 1 High Quality Design
- D 2 Car Parking Design

- D 3 Small Scale Development / Householder Extensions
 - D 8 Sustainable Design and Construction
 - D 9 Minimising Carbon Dioxide Emissions
 - EN 5 1 Scheduled Monuments and Sites of Archaeological Importance
 - EN 7 Protecting and Enhancing the Natural Environment
 - EN 10 Minimising Flood Risk
 - EN 11 Surface Water Flooding
 - C 1 Protection of Landscape Character
- Emerging Newport, Quendon & Rickling Neighbourhood Plan

8. PARISH COUNCIL COMMENTS

8.1 Objection. Concerns include the following, with emphasis on the cumulative impacts with other developments:

- Increased risk to highway safety
- Reduced air quality
- Increased risk of flooding
- Inadequate surface water drainage
- Damage to the byway
- Inadequate infrastructure e.g. sewerage, water

9. CONSULTATIONS

Highway Authority (Essex County Council)

9.1 No objections, subject to conditions and a payment of £7,600 towards a scheme to mitigate the effect of construction traffic on the highway. Extract:

“In highways terms the application is a replica of UTT/16/0208 which was approved with conditions in May 2016. Two of those conditions (7 & 8) were highway conditions requiring a before and after survey of Whiteditch Lane and the requirement to repair any damage caused in construction. An application to remove these conditions was made by the applicant and approved in February 2017 by the planning authority, as the conditions were found not to meet the tests outlined in planning law.

Current construction of dwelling has caused damage to the lane and it is reasonable to conclude that future construction will also cause damage. Therefore the Highway Authority has put together a costed schedule for a scheme to mitigate the impact of construction traffic from the planned developments. As part of the application a contribution towards the scheme of £7600 is required to mitigate the impact of the construction on the highway - this is the total cost divided by the number of planned dwellings. The other conditions remain, including the requirement for a passing bay, which has been enhanced by ensuring the full width of carriageway is surfaced along the site frontage again to mitigate impact of construction traffic.”

Ecological Consultant (Place Services)

9.2 No objections, subject to conditions. Extract:

“We have reviewed the Ecology Report (Arbon, October 2015) and the more recently submitted Bat Survey (Essex Mammal Surveys April 2019) supplied

by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species.

We are satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on Protected and Priority species/ habitats and, with appropriate compensation mitigation measures secured, the development can be made acceptable. We have also proposed some reasonable biodiversity enhancements and recommend that they should also be secured by a condition on any consent.

The mitigation measures identified in the Ecology Report for nesting birds and tree/hedgerow protection should be secured and implemented in full. This is necessary to conserve and enhance Protected species and habitat.”

Historic Environment Advisor (Place Services)

- 9.3 No objections, subject to the use of a condition to secure appropriate archaeological investigation. Extract:

“The Historic Environment Record has indicated that the proposed development area lies within a potentially sensitive area of heritage assets. The area lies north of the suggested limits of the medieval town and recent trial trenching to the south/west of the site identified prehistoric occupation from the Late Bronze Age and Early Iron Age (EHER 49066 and 48597). The site also lies in close proximity to a sequence of cropmarks indicative of a large enclosure (EHER 19837).”

10. REPRESENTATIONS

- 10.1 Neighbours were notified of the application by letter and a notice was displayed near the site. One representation has been received, which suggests that the front boundary should be sensitively delineated using mature native hedging.

11. APPRAISAL

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

- A Location of housing (S7, H1, 78-79 & PPG)
- B Character and appearance (S7, GEN2, 127-131, 170 & PPG)
- C Transport (GEN1, GEN8 & 102-111)
- D Accessibility (GEN2, 127 & PPG)
- E Amenity (GEN2, 127 & PPG)
- F Flooding (GEN3, 155-165, PPG & SFRA)
- G Infrastructure (GEN6)
- H Biodiversity (GEN7, 175 & PPG)
- I Archaeology (ENV4, 189-199 & PPG)
- J Affordable housing (H9 & 63)
- K Housing land supply (11 & 73)

A Location of housing (S7, H1, 78-79 & PPG)

- 11.1 The site’s location beyond the Development Limits for Newport ensures that

residential development would not accord with Local Plan policies on the location of housing. However, its position adjacent the built-up area of the village ensures compliance with the more up-to-date policy at paragraphs 78-79 of the NPPF.

B Character and appearance (S7, GEN2, 127-131, 170 & PPG)

- 11.2 The scale of surrounding dwellings is predominantly two storeys, and varied architectural styles include traditional designs similar to those proposed. It is considered that the proposed houses would appear compatible with this setting, and their layout would not lead to a harmful encroachment of buildings into the surrounding countryside. It is therefore concluded that the proposal accords with the above policies insofar as they relate to character and appearance.

C Transport (GEN1, GEN8 & 102-111)

- 11.3 The site's location within a relatively large village ensures that the occupants of the proposed dwelling would have access to a small range of services and facilities, and to a train station with regular services to Cambridge and London. It is therefore considered that the proposal meets the sustainable transport objectives of Policy GEN1 and paragraph 103 of the NPPF.
- 11.4 Taking into account the comments of the highway authority, it is considered that there would be no adverse effects on highway safety or efficiency provided that conditions would be used to secure certain access details. Furthermore, a S106 agreement would secure a proportionate financial contribution towards a scheme for the mitigation of construction traffic impacts on Whiteditch Lane.
- 11.5 The proposed driveways and cart lodges would provide ample space for off-street parking, in excess of the Council's minimum residential parking standards. It is therefore concluded that the proposal accords with the above transport policies.

D Accessibility (GEN2, 127 & PPG)

- 11.6 Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' require compliance with the Lifetime Homes standards. However, these standards have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Compliance with these requirements could be secured using a condition.

E Amenity (GEN2, 127 & PPG)

- 11.7 Taking into account The Essex Design Guide, which constitutes non-adopted but useful guidance, it is considered that the proposed rear gardens would be of a suitable size, and that there would be no significant adverse effects on the amenity of neighbouring premises with respect to daylight, privacy or overbearing impacts.
- 11.8 Subject to the use of a condition to secure obscure glazing in the bathroom and secondary bedroom windows in the southern elevation of the replacement dwelling, it is concluded that the proposal accords with the above policies insofar as they relate to amenity.

F Flooding (GEN3, 155-165, PPG & SFRA)

- 11.9 Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The SFRA confirms that the site is not in an area at risk of flooding and, as the proposal is not a 'major development', national policy does not require the use of a sustainable drainage system. It is therefore concluded that the proposal would not give rise to any significant adverse effects with respect to flood risk, such that it accords with the policies in the NPPF and PPG.

G Infrastructure (GEN6)

- 11.10 Taking into account the nature and scale of the development, and the above consultation responses, it is considered that there would be no requirement for improvements to off-site infrastructure. It is therefore concluded that the proposal accords with Policy GEN6.

H Biodiversity (GEN7, 175 & PPG)

- 11.11 Taking into account the comments of the Council's ecological consultant, it is considered unlikely that the development would have significant adverse effects on any protected species or valuable habitats. It is therefore concluded that the proposal accords with the above policies.

I Archaeology (ENV4, 189-199 & PPG)

- 11.12 Taking into account the comments of the Historic Environment Advisor, it is considered that the development could affect important archaeological remains but that a planning condition could be used to secure appropriate investigation. It is therefore concluded that the proposal accords with the above policies insofar as they relate to archaeology.

J Affordable housing (H9 & 63)

- 11.13 Policy H9 and its preamble form the basis for seeking affordable housing provision from new residential developments. In this case, the policy indicates that the proposal need not make a contribution.

K Housing land supply (11 & 73)

- 11.14 Paragraphs 11 and 73 of the NPPF describe the importance of maintaining a five-year supply of deliverable housing sites. As identified in the most recent housing trajectory document, 'NPPF 2019 – Five Year Housing Land Supply update (March 2019)', the Council's housing land supply is currently 3.29 years. Therefore, contributions towards housing land supply must be regarded as a positive effect.
- 11.15 Notwithstanding the above, it is noted that the Council's delivery of housing was greater than the housing requirement over the previous three years, as represented by a Housing Delivery Test calculation of 147%.

12. CONCLUSION

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

- A** The proposal does not accord with the development plan due to conflicts with policies on the location of housing.
- B** Notwithstanding the above, it is concluded that the proposal represents 'sustainable development' in the context of the NPPF. The tilted balance at paragraph 11 is engaged because important policies, including housing policies and their associated site allocations and Development Limits, are out of date. In this case, no adverse effects would significantly and demonstrably outweigh the benefits from the proposal's contribution towards housing land supply.
- C** Taking into account the more up-to-date nature of the NPPF with respect to the determining issues, it is considered that the lack of accordance with the development plan is overridden in this instance. Regard has been had to all other material considerations, and it is concluded that planning permission should be granted.
- D** The applicant has been consulted on all 'pre-commencement' conditions, in accordance with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION:

- (I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Services, in which case he shall be authorised to conclude such an obligation to secure the following:**
 - (i) Payment of a financial contribution to mitigate the effect of the development on the condition of Whiteditch Lane**
 - (ii) Payment of the Council's reasonable legal costs**
 - (iii) Payment of monitoring fee**
- (II) In the event of such an obligation being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below**
- (III) If the freehold owner shall fail to enter into such an obligation by 3 July 2019, the Assistant Director Planning shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:**
 - (i) Lack of mitigation for the effect of the development on the condition of Whiteditch Lane**

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. Prior to commencement of the development or preliminary groundworks, a written scheme of investigation including a programme of archaeological trial trenching must be submitted to and approved in writing by the local planning authority. The archaeological work must be carried out in accordance with the approved details prior to commencement of the development.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to allow investigation prior to the loss of archaeological remains.

3. Prior to commencement of the development, details of the areas within the curtilage of the site to be used for loading, unloading, reception and storage of building materials, and manoeuvring of all vehicles including construction traffic, must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved details.

REASON: To ensure that the highway is not obstructed during the construction period, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

4. Prior to commencement of the development, a Biodiversity Method Statement for the protection of trees, hedgerows and nesting birds must be submitted to and approved in writing by the local planning authority. This includes due diligence regarding nesting birds and protecting the retained hedgerow from development impacts.

The content of the method statement must include the following:

- a) Purpose and objectives for the proposed works
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used)
- c) Extent and location of proposed works shown on appropriate scale maps and plans
- d) Persons responsible for implementing the works
- e) Initial aftercare and long-term maintenance (where relevant)
- f) Disposal of any wastes arising from works

The development must be carried out in accordance with the approved Biodiversity Method Statement.

REASON: To conserve and enhance biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

5. Prior to occupation of any dwelling, a Biodiversity Enhancement Strategy for Protected and Priority species must be submitted to and approved in writing by the local planning authority. This includes details of the new hedgerow, incorporation of bat and bird boxes into the development and ensuring that any new fencing is hedgehog friendly.

The content of the Biodiversity Enhancement Strategy must include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures
- b) Detailed designs to achieve stated objectives
- c) Locations of proposed enhancement measures by appropriate maps and plans
- d) Persons responsible for implementing the enhancement measures
- e) Details of initial aftercare and long-term maintenance (where relevant)

The development must be carried out in accordance with the approved Biodiversity Enhancement Strategy.

REASON: To conserve and enhance biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

6. Prior to any works above slab level, details of the following external finishes (including samples and/or photographs as appropriate) must be submitted to and approved in writing by the local planning authority:

- Walls
- Roof
- Windows
- Doors

The development must be carried out in accordance with the approved details.

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

7. Prior to occupation of the development, details of the following hard and soft landscaping works must be submitted to and approved in writing by the local planning authority:

- Retained features
- New planting
- Hard surfaces
- Boundary treatment

All hard and soft landscape works must be carried out in accordance with the approved details.

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

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

8. The first floor windows on the southern elevation of the new dwelling labelled 'Branksome' on Drawing No. 457.02b must be glazed with obscure glass prior to occupation of the dwelling and thereafter retained. Each window must be non-opening unless the parts which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

REASON: To prevent a harmful lack of privacy for the occupants of the neighbouring property, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

9. The dwellings hereby permitted must be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

10. The passing place on Whiteditch Lane must be hard surfaced and laid out in accordance with Drawing No. 457.02b prior to occupation of any dwelling, and the vehicle parking area(s) must be formed prior to occupation of each respective dwelling.

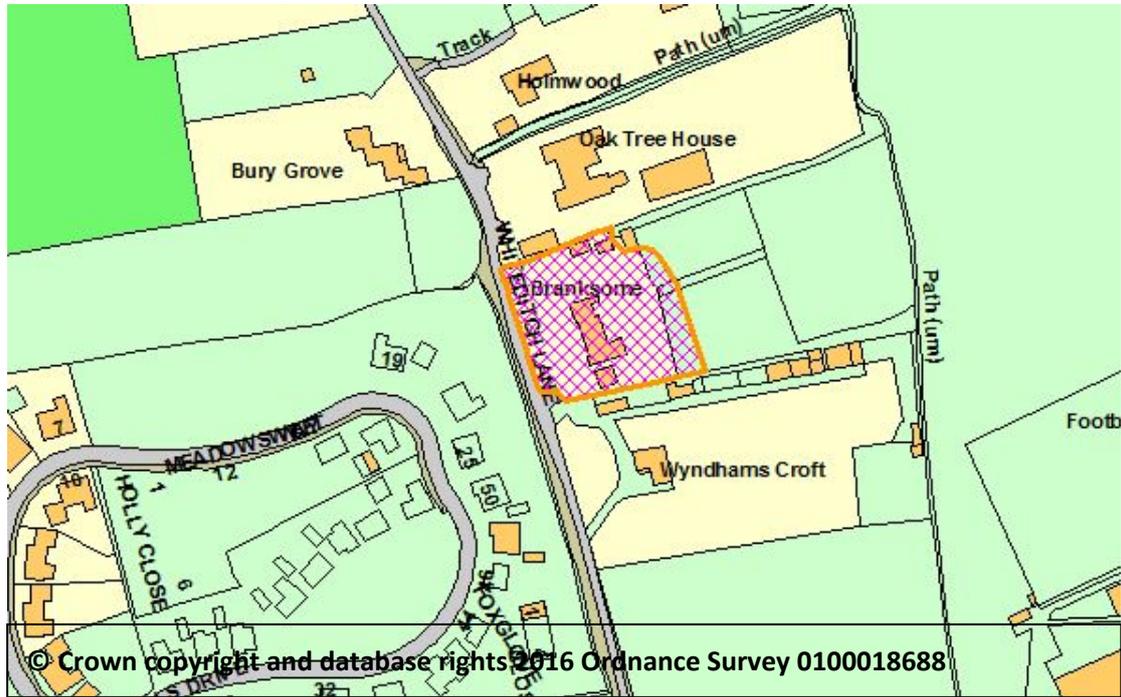
REASON: To prevent hazardous on-street parking and conflict with other road users, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

11. The development must be carried out in accordance with the ecological measures and/or works recommended in the submitted 'Ecology report' (Arbon, October 2015).

REASON: To conserve and enhance biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

Application: UTT/18/3293/FUL

Address: Branksome, Whiteditch Lane, Newport, CB11 3UD



Organisation: Uttlesford District Council

Department: Planning

Date: 17/05/2019