

UTT/18/1827/FUL (NEWPORT)

(More than five dwellings)

PROPOSAL: Demolition of existing dwelling and garage. The erection of 20 no. dwellings, including 8 affordable. Associated access, car parking, footpaths, landscaping and construction of earth mound.

LOCATION: Bricketts, London Road, Newport, CB11 3PP

APPLICANT: London Road (Newport) LLP

AGENT: Lucy Carpenter Planning Consultant

EXPIRY DATE: 20 September 2019

CASE OFFICER: Luke Mills

1. NOTATION

1.1 Countryside.

2. DESCRIPTION OF SITE

2.1 The site is located to the west of London Road, at the southern edge of Newport. It comprises a detached house and its grounds.

3. PROPOSAL

3.1 The application is for planning permission to demolish the existing buildings on the site and erect 20 dwellings, 8 of which would be affordable homes. The existing access off London Road would be remodelled.

3.2 A full Accommodation Schedule is appended to this report.

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 application includes the following documents:

- Planning Statement
- Design and Access Statement
- Accommodation Schedule
- Garden size schedule
- Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan
- Transport Statement
- SuDS Checklist

- Development Drainage Strategy & Flood Risk Statement
- Drainage Statement
- Biodiversity Validation Checklist
- Preliminary Ecological Appraisal Report
- Ecological Impact Assessment
- Environmental Noise Assessment
- Phase I/II Geo-environmental Site Assessment

6. RELEVANT SITE HISTORY

- 6.1 In November 2016, outline planning permission, with all matters reserved except access, was granted for the erection of up to 11 dwellings on the site (UTT/16/1290/OP). This followed an earlier permission for a three-dwelling development (UTT/15/3423/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
 - GEN4 – Good Neighbourliness
 - GEN5 – Light Pollution
 - GEN6 – Infrastructure Provision to Support Development
 - GEN7 – Nature Conservation
 - GEN8 – Vehicle Parking Standards
 - ENV4 – Ancient Monuments and Sites of Archaeological Importance
 - ENV5 – Protection of Agricultural Land
 - ENV10 – Noise Sensitive Development and Disturbance from Aircraft
 - ENV12 – Protection of Water Resources
 - ENV13 – Exposure to Poor Air Quality
 - ENV14 – Contaminated Land
 - H1 – Housing Development
 - H9 – Affordable Housing

H10 – Housing Mix

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, 73, 78-79, 102-111, 117-118, 127, 155-165, 170, 175, 178-181 & 189-197
Planning Practice Guidance (PPG)
- Air quality
- Conserving and enhancing the historic environment
- Design
- Flood risk and coastal change
- Housing: optional technical standards
- Land affected by contamination
- Light pollution
- Natural environment
- Noise
- Planning obligations
- Rural housing
- Water supply, wastewater and water quality

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)
Historic Settlement Character Assessments (2007)
Emerging Newport, Quendon and Rickling Neighbourhood Plan
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 9 Development Within Development Limits
- SP 10 Protection of the Countryside
- 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 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
- D 10 Highly Energy Efficient Buildings
- EN 1 Protecting the Historic Environment
- 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
- EN 12 Protection of Water Resources
- EN 14 Pollutants
- EN 15 Air Quality
- EN 16 Contaminated Land
- EN 17 Noise Sensitive Development
- C 1 Protection of Landscape Character
- NEWP 2 Land at Bricketts, London Road

8. PARISH COUNCIL COMMENTS

8.1 Objection. Concerns include:

- Precedent for further development on adjacent land
- Cumulative adverse impacts together with recent permissions and developments in Newport
- Harmful effect on the site's rural setting
- Noise disturbance for future occupiers from the M11 and Stansted Airport
- Poor air quality for future occupiers due to proximity to M11
- Overbearing impact on properties on The Spinney
- Full details of the proposed earth bund would need to be secured in the event of approval
- The 30mph speed limit zone should be extended
- Limited public open space is proposed
- Inadequate sewerage capacity
- No requests have been made for contributions towards improving local infrastructure e.g. education provision
- Insufficient information to determine the suitability of car and cycle parking provision, and electric charging point provision
- Insufficient information on drainage arrangements
- The proposed affordable units are supported but their provision would not outweigh the adverse effects of the development

9. CONSULTATIONS

Highway Authority (Essex County Council)

9.1 No objections, subject to conditions. Extract:

"The Highway Authority have thoroughly assessed the Transport Statement (TS) supporting the above planning application in terms of highway capacity, safety and accessibility and have carried out a site visit. In conclusion, the Highway Authority considers that the proposal will not have a detrimental

impact on highway safety, efficiency or accessibility. As part of the highway assessment the applicant conducted a speed survey of traffic using the B1383. This took place in December 2018, and in accordance with the results of the speed survey, the applicant can provide visibility splays to meet current guidelines. The Parish Council have expressed a desire for the 30mph speed limit to be extended in conjunction with the above development. Whilst the Highway Authority can understand the reasons for the request does not meet with the requirements of the Essex Speed Management Policy. It may however be necessary to relocate the existing 30 mph speed limit signs clear of the visibility splay from the site access and therefore if consented it is suggested that the extent of the 30mph speed limit is reviewed in conjunction with the detailed design of the site access rather than being a prerequisite of development.”

Highways England

9.2 No objections.

Environmental Health

9.3 No objections, subject to conditions. Extract:

“Acceptable internal living conditions as set out in British Standard 8233:2014 Sound Insulation and Noise Reduction for Buildings and in WHO 2009 Guidelines for Community Noise relating to outdoor amenity areas, can be provided through mitigation.

Details of proposed glazing have been provided, and it may not be possible to achieve the standards with windows open, therefore acoustic trickle ventilation is proposed to overcome this. Levels in gardens will be reduced from the highest levels monitored due to setback from London Road, the positioning of dwellings to provide protection to garden areas, and fencing, to enable acceptable levels to be achieved.

... The site has historically been used for brick working, and a clay pit with unknown fill is present. Close to the site are chalk and gravel workings. A Phase I and II Geo-environmental site assessment dated June 2017 has been prepared by TRC, and the intrusive investigation has not identified exceedances of screening criteria for residential land use with gardens, or unacceptable risk from ground gases. The methodology and findings of the report are accepted, and further investigation or remediation is not required.

... Traffic generated by the development will impact on congested junctions along High Street Newport. The significance of the impact on air quality will not be sufficient to support an objection, however NPPF 2018 supports provision of measures to minimise the impact by encouraging the use of low emission vehicles and non car travel. Supporting information states that cycle parking and storage will be provided, and the site is within 1km walking distance to local amenities. Provision of charging facilities to support the use of low emission vehicles should be encouraged.

... A small part of the rear of the site lies within the zone 100m from the central reservation of the M11 motorway where long term exposure to poor air quality may have an adverse effect on health. The area is part of a wider area of public open space and a proposal to prevent public access to the

small area is contained in the supporting details.” (NB: The application no longer proposes an area of public open space in this sensitive location)

Lead Local Flood Authority (Essex County Council)

- 9.4 No objections, subject to conditions. Initial objection removed following the submission of revised and additional information.

Ecological Consultant (Place Services)

- 9.5 No objections, subject to conditions. Extract:

“I have reviewed the Ecological Impact Assessment (Greenwillows Associates Ltd., August 2018) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, particularly bats and identification of proportionate mitigation. The existing dwelling is a bat roost and will require a licence to be [demolished].

I am 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 and, with appropriate mitigation measures secured, the development can be made acceptable. I support the reasonable biodiversity enhancements that should also be secured by a condition on any consent.”

Anglian Water

- 9.6 No objections. Extract:

“The foul drainage from this development is in the catchment of Newport Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.”

Housing Enabling Officer

- 9.7 No objections. Extract:

“I confirm that 6x2 bed houses for affordable rent and 2x2 bed flats for shared ownership is acceptable.”

London Stansted Airport

- 9.8 No objections.

NATS Safeguarding

- 9.9 No objections.

UK Power Networks

- 9.10 General advice regarding safe working practices near electricity lines/plant.

Essex Police Crime Prevention Officer

9.11 No objections. Extract:

“We note that the rear boundary is intended to be comprised of post and rail fencing, we strongly recommend that this supplemented by natural hedging with a high percentage of defensive (spiky) species.

We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award.”

Historic Environment Advisor (Place Services)

9.12 No objections, subject to the use of conditions to secure trial trenching and excavation. Extract:

“The Essex Historic Environment Record shows the development to lie within a potentially sensitive area within Newport to the south of the historic town. Cartographic evidence indicates that in the 19th century the area near to the road was involved in the brick making industry (EHER 15687). To the north of the site aerial photographic evidence has identified the possible site of an enclosure (EHER 19905) whose extent may extend into the development area. The opposite bank of the River Cam has extensive Late Iron Age and Roman deposits on the valley slopes, and there is the potential similar deposits will be found on the western side.”

Education Authority (Essex County Council)

9.13 No objections. Extract:

“As the proposed development comprises of less than 20 education contribution-eligible dwellings, an education contribution will not be requested.”

Cadent Gas/ National Grid

9.14 No objections.

Ward Councillor (Cllr N Hargreaves)

9.15 No objections, subject to a suitable footpath connection to the village and an extension of the 30mph speed limit zone.

10. REPRESENTATIONS

10.1 Neighbours were notified of the application by letter, and notices were displayed near the site and in the local press. The following concerns have been raised among the submitted representations:

- 1) The site is located beyond the existing Development Limits
- 2) Harmful effect on the rural character of the area
- 3) The buildings would appear incompatible with adjacent housing

- 4) The 30mph speed limit zone should be extended
- 5) Additional street lighting should be provided on London Road
- 6) The footpath connection to the village should also include a cycleway
- 7) The site offers the potential for a new northbound bus stop
- 8) Loss of biodiversity, including bat habitats
- 9) Loss of privacy at 3, 4, 4A and 4B The Spinney and 1 Cornflowers
- 10) Existing overgrown trees adjacent 4A and 4B The Spinney should be removed
- 11) The summerhouse at Plot 17 would result in a loss of sunlight, overbearing impacts and nuisance affecting 4B The Spinney
- 12) Overbearing effect on dwellings in The Spinney
- 13) Nuisance to 4 The Spinney from the footpath access to the public open space (NB: Public open space since removed)
- 14) Nuisance to the future residents as a result of noise from the M11
- 15) Adverse effect on health from noise and air pollution associated with the M11
- 16) A new fence should be erected along northern boundary to preserve the security of 4 The Spinney
- 17) The public open space should be secured with appropriate boundary treatment (NB: Public open space since removed)
- 18) Potential land contamination
- 19) Inadequate affordable housing provision (NB: The provision has since been increased to a policy-compliant level)
- 20) Inadequate provision of bungalows for market sale
- 21) The majority of the site comprises greenfield land
- 22) There is no need for additional housing
- 23) The site contains asbestos
- 24) Inaccuracies within the submitted documentation
- 25) The scale of the development has increased incrementally
- 26) Granting permission would set a precedent for further development
- 27) Works close to property boundaries could affect neighbouring foundations

10.2 The following comments are made in relation to the above points:

1) – 22) Covered in the below appraisal.

23) The safe removal of asbestos is secured under separate legislation.

24) A site visit has been carried out to ensure that a decision is made on the basis of correct information.

25) & 26) The application must be considered on its own merits.

27) Such impacts would be addressed by the Party Wall Act.

11. APPRAISAL

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

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| A | Location of housing (S7, H1, 78-79 & PPG) |
| B | Character and appearance (S7, GEN2, GEN5, 127, 170 & PPG) |
| C | Transport (GEN1, GEN8 & 102-111) |
| D | Accessibility (GEN2, 127 & PPG) |
| E | Amenity (GEN2, GEN4, GEN5, ENV10, 127, 180 & PPG) |

- F Crime (GEN2, 127 & PPG)
- G Flooding (GEN3, 155-165, PPG & SFRA)
- H Infrastructure (GEN6 & PPG)
- I Biodiversity (GEN7, 175 & PPG)
- J Archaeology (ENV4, 189-197 & PPG)
- K Agricultural land (ENV5 & 170)
- L Contamination (ENV12, ENV14, 178-179 & PPG)
- M Air quality (ENV13, 181 & PPG)
- N Affordable housing (H9 & PPG)
- O Housing mix (H10 & SHMA)
- P Housing land supply (11 & 73)
- Q Effective use of land (117-118)

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

- 11.1 The application site comprises both previously developed land (the residential curtilage) and undeveloped land (the paddock), located beyond the Development Limits of Newport. While Policy H1 permits the re-use of previously developed land for housing on a general level, Policy S7 and the associated Development Limits are clearly intended to restrict development in the countryside to that which requires such a location or is appropriate to a rural area. Housing does not satisfy either of these criteria so the erection of new dwellings on the site would be in conflict with the spatial strategy of the Local Plan.
- 11.2 The NPPF takes a slightly different approach to rural housing. Paragraphs 78-79 support the growth of existing settlements and seeks to avoid new isolated homes in the countryside unless there are special circumstances. Taking into account the PPG, it is considered that the intent of this policy is to focus new housing development within and on the edge of existing settlements, thereby preventing sporadic development in the countryside. As the application site adjoins the village of Newport, it is considered that the location is consistent with the policies of the NPPF. Furthermore, the principle of residential development has already been accepted through planning permission UTT/16/1290/OP, and it is noted that the site is allocated for housing in the emerging Local Plan.

B Character and appearance (S7, GEN2, GEN5, 127, 170 & PPG)

- 11.3 The existing bungalow is situated within a relatively large curtilage compared to its neighbours, at the southern edge of the village. An L-shaped paddock wraps around the south and west of the property, and the open fields beyond provide a distinctly rural character.
- 11.4 The proposal would intensify development on the site, inherently causing a degree of harm to the rural setting at the southern edge of Newport. Mitigating factors include the containment of development to the southern boundary of the existing garden and, broadly, to the western extent of development established by existing housing to the north. Nevertheless, there would be a residual adverse effect.
- 11.5 Notwithstanding the above effect on landscape and settlement character, it is considered that the layout and design of the development is compatible with its surroundings. Plots 1-4, 19 and 20 would relate well to London Road, while buildings within the site would appropriately frame the new street

scenes. The design of the buildings is traditional and considered in keeping with residential development in the vicinity.

- 11.6 It should be noted that the areas of land to the rear of Plots 9-13 and to the south of Plot 1 are within the applicant's ownership but are not the subject of any development proposals other than a noise attenuation bund. The land currently forms part of an L-shaped paddock surrounding the garden of Bricketts, and the use would not be changed by the proposed development. The land to the rear of Plots 9-13 had initially been proposed as public open space but it was considered that this would have been poorly integrated with the design of the development. As open space provision is not a policy requirement, this proposal was removed.
- 11.7 It is concluded that the proposal conflicts with Policy S7 and paragraph 170 of the NPPF insofar as they relate to the protection of rural character. The design of the proposed development is considered compliant with other relevant policies, subject to the use of conditions to secure full details of external finishes, landscaping and lighting.

C Transport (GEN1, GEN8 & 102-111)

- 11.8 The site's location at the edge of a relatively large village ensures that future residents 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.
- 11.9 Taking into account the comments of the highway authority, it is considered that there would be no adverse effects on road safety, capacity or efficiency. Furthermore, the proposed parking provision would accord with the Council's minimum residential parking standards, as set out in the appended Accommodation Schedule. It is therefore concluded that the proposal accords with the above policies insofar as they relate to transport, subject to the use of appropriate conditions including in relation to the 30mph zone on London Road.

D Accessibility (GEN2, 127 & PPG)

- 11.10 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, GEN4, GEN5, ENV10, 127, 180 & PPG)

- 11.11 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, subject to the use of conditions to secure:
- Increase in fence height from 1.8 m to approximately 2.4 m to screen views from Plot 13 to 4A The Spinney. The increased height would comply with guidance on maintaining appropriate daylight levels.

- Obscure glazing in the north-facing upper-floor windows at Plots 14-16 to prevent overlooking of existing properties.
- Removal of permitted development rights for additional north-facing upper-floor windows at Plots 14-16 unless these would be obscure-glazed.

11.12 Taking into account the comments of the Environmental Health Officer, it is considered that noise from London Road and the M11 would not have an adverse effect on the amenity of the future residents. Mitigation measures, including suitable trickle ventilation and the formation of an earth bund, would be secured using a condition.

11.13 It is therefore concluded that the proposal accords with the above policies insofar as they relate to amenity.

F Crime (GEN2, 127 & PPG)

11.14 Taking into account the comments of Essex Police, it is considered that the development generally incorporates crime prevention principles. Nevertheless, it has been noted that a suitable hedge species should be used as a deterrent on the western boundary of Plots 9-13. This point would be reflected in the landscaping condition, which would secure full details of all planting proposals.

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

11.15 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 but, as the proposal is a 'major development', national policy requires the use of a sustainable drainage system. The lead local flood authority has removed its initial objection following the submission of revised and additional information, and it is therefore concluded that the proposal accords with the above policies.

H Infrastructure (GEN6 & PPG)

11.16 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.

11.17 It is noted that Anglian Water has raised no objections, while the education authority has confirmed that there is no requirement to make a contribution towards education provision.

I Biodiversity (GEN7, 175 & PPG)

11.18 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.

J Archaeology (ENV4, 189-197 & PPG)

- 11.19 Taking into account the comments of the Historic Environment Advisor, it is considered that the development has the potential to affect archaeological remains and that conditions would be necessary to secure appropriate trial trenching prior to commencement of the development. Subject to these conditions, it is concluded that the proposal accords with the above policies insofar as they relate to archaeology.

K Agricultural land (ENV5 & 170)

- 11.20 Policy ENV5 seeks to prevent significant losses of the best and most versatile (BMV) agricultural land, and paragraph 170 of the NPPF has a similar objective. While the site is classified as Grade 2, which is regarded as BMV land, the development would not represent a significant breach of these policies because the land is not in productive agricultural use, it is small in agricultural terms and the high quality of land across the majority of the District means that some loss is inevitable.

L Contamination (ENV12, ENV14, 178-179 & PPG)

- 11.21 Taking into account the comments of the Environmental Health Officer, it is considered unlikely that there would be any adverse effects with respect to contamination risks. It is therefore concluded that no further studies are required, and that the proposal accords with the above policies insofar as they relate to contamination.

M Air quality (ENV13, 181 & PPG)

- 11.22 Taking into account the comments of the Environmental Health Officer, it is considered that any adverse effects on air quality would be negligible. Nevertheless, taking into account the cumulative effect of recent developments on congested junctions in Newport, it is considered appropriate to seek to minimise any effect through the use of conditions that secure appropriate cycle storage facilities and future-proofing for electric vehicle charging points.

N Affordable housing (H9 & PPG)

- 11.23 Taking into account the comments of the Housing Enabling Officer, it is considered that the proposed affordable homes are appropriate in terms of number and design. These would be secured using a S106 agreement, thereby ensuring compliance with the above policies.

O Housing mix (H10 & SHMA)

- 11.24 Policy H10 requires that a significant proportion of market housing comprises small properties, with two or three bedrooms. As all of the proposed market houses would be in this category (1 x two-bed and 11 x three-bed), it is concluded that the proposal accords with Policy H10.

P Housing land supply (11 & 73)

- 11.25 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.

- 11.26 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%.

Q Effective use of land (117-118)

- 11.27 Paragraphs 117-118 of the NPPF encourage the reuse of previously developed land, a classification which applies to the majority of the application site. Therefore, weight should be given to the positive effect of the development in this regard.

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 and countryside character.
- 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, the limited adverse effect on countryside character would not significantly and demonstrably outweigh the benefits from the proposal's contribution towards housing land supply and its reuse of previously developed land.
- 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 accord 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) On-site provision of 8 affordable homes**

- (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 19 September 2019, the Assistant Director Planning shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:**
 - (i) **Inadequate affordable housing provision**

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, a Construction Traffic Management Plan 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, which must provide for:
 - i. Safe access into the site
 - ii. The parking of vehicles of site operatives and visitors
 - iii. Loading and unloading of plant and materials
 - iv. Storage of plant and materials used in constructing the development
 - v. Wheel and underbody washing facilities

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.

3. Prior to commencement of the development, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, must be submitted to and approved in writing by the local planning authority. The scheme must be implemented in accordance with the approved details prior to the occupation of any dwelling, and should include but not be limited to:

- Measures to minimise the risk of off-site flooding during construction, from surface runoff and groundwater.

- Details of half drain time of any storage devices. The storage features should be half empty within 24 hours of the 1 in 100 year storm event plus 40% allowance of climate change.

REASON: To prevent surface water flooding both on- and off-site, in accordance with 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 detailed Maintenance Plan for the surface water drainage scheme must be submitted to and approved in writing by the local planning authority. The surface water drainage scheme must thereafter be maintained in accordance with the approved Plan.

REASON: To ensure the long-term effectiveness of the surface water drainage scheme, in accordance with 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.

5. Prior to commencement of the development, 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 trial trenching 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.

6. Following completion of the archaeological trial trenching required by Condition 5 and prior to commencement of the development, a mitigation strategy detailing the excavation/preservation strategy must be submitted to and approved in writing by the local planning authority. The works detailed in the mitigation strategy 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.

7. Within 6 months of the completion of the works required by Condition 6, a post-excavation assessment (including the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report) must be submitted to and approved in writing by the local planning authority.

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.

8. Prior to commencement of the development, either of the following must be submitted to and approved in writing by the local planning authority:

a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

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

REASON: In the interests of conserving biodiversity, in accordance with Policy GEN7 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.

9. 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.

10. Prior to occupation of any dwelling, 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 (including as a burglary deterrent to the west of Plots 9-13)
- Earth bund
- Hard surfaces
- Boundary treatment
- External lighting equipment and associated emissions

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 and in the interests of crime prevention, in accordance with Policy S7, Policy GEN5 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

11. Prior to occupation of any dwelling, full details of the noise mitigation measures identified in the submitted Environmental Noise Assessment (Stansted Environmental Services, July 2018) and their respective timescales for implementation 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 protect future residents from noise nuisance, in accordance with Policy ENV10 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

12. Prior to occupation of any dwelling, the following details with respect to the access must be submitted to and approved in writing by the local planning authority:

- i) Minimum 5.5 metre carriageway width with appropriate radii
- ii) Two 2 metre-wide footways, together with any necessary relocation/replacement of the 30mph speed limit gateway and associated Traffic Regulation Orders (TROs)

The access must be formed in accordance with the approved details prior to occupation of any dwelling.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner, in the interest of highway safety and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

13. Prior to occupation of any dwelling, details of improvements to the passenger transport infrastructure on both sides of B1383 London Road within the immediate vicinity of the site must be submitted to and approved in writing by the local planning authority. This includes but is not limited to raised platforms, hardstanding, dropped kerb crossing points, flags, bus shelters and any other related infrastructure as deemed necessary by the Highway Authority. The improvements must be installed in accordance with the approved details prior to occupation of any dwelling.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

14. Prior to occupation of each dwelling, details of its cycle parking and electric vehicle charging provision must be submitted to and approved in writing by the local planning authority. The provision must be made in accordance with the approved details prior to occupation of each dwelling.

REASON: To maximise the use of sustainable transport modes and minimise air pollution, in accordance with Policy GEN1, Policy GEN8 and Policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

15. Prior to occupation of Plot 13, details of a screening fence/wall on the boundary with 4A The Spinney must be submitted to and approved in writing by the local planning authority. The fence/wall must be installed in accordance with the approved details prior to occupation of Plot 13.

REASON: To screen views of habitable rooms and the private sitting out area of 4A The Spinney, thereby protecting the privacy of existing residents in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

16. The eaves and ridge heights of the permitted dwellings relative to neighbouring buildings must be as shown on the following approved drawings:

1659-SBA-XX-ZZ-DR-A-100 Rev B Proposed Street Elevations/Sections
1659-SBA-XX-ZZ-DR-A-101 Rev C Proposed Levels (Sh1)
1659-SBA-XX-ZZ-DR-A-102 Rev B Proposed Levels (Sh2)
1659-SBA-XX-ZZ-DR-A-103 Rev A Proposed Levels (Sh3)

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

17. One dwelling must be built in accordance with Requirement M4(3) (Wheelchair user dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition. The remaining dwellings 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.

18. The upper-floor windows on the northern elevation of the following dwellings must be glazed with obscure glass prior to occupation of each dwelling and thereafter retained:

- Plot 14
- Plot 15
- Plot 16

Each of these windows 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 4A and 4B The Spinney, in accordance with Policy GEN2 of the Uttlesford Local

Plan (adopted 2005) and the National Planning Policy Framework.

19. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no upper floor windows shall be inserted at the following dwellings under or in accordance with Schedule 2, Part 1, Class A, B or C of the Order without the prior written permission of the local planning authority unless they would be obscure-glazed and non-opening:

- Plot 13
- Plot 14
- Plot 15
- Plot 16

REASON: To prevent a harmful lack of privacy for the occupants of 4A and 4B The Spinney, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

20. Prior to occupation of any dwelling, the road junction at its centre line must be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 74 metres to the north and 2.4 metres by 100 metres to the south, as measured from and along the nearside edge of the carriageway, as shown in principle on Drawing No. JNY9852-03 Rev A. Such vehicular visibility splays must be provided prior to occupation of any dwelling.

REASON: To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway, in the interest of highway safety and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

21. Prior to occupation of any dwelling, a 2 metre footway shall be provided from the site access extending northwards along B1383 London Road tying into the existing footway network, as shown in principle on Drawing No. 505 Rev. I (Proposed Site Plan).

REASON: In the interests of pedestrian safety and accessibility, and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

22. Prior to occupation of each dwelling, the respective parking space(s) must be formed in accordance with the approved plans.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur, in the interest of highway safety and in accordance with Policy GEN1 and Policy GEN8 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

23. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

24. The development must be carried out in accordance with the ecological measures and/or works recommended in the submitted Ecological Impact Assessment (Greenwillows Associates Ltd, August 2018). This includes bat mitigation, bat sensitive lighting, due diligence regarding nesting birds, covering trenches, hedgehog friendly fencing and meadow planting.

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

25. 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.

Prior to re-commencement of the development, an assessment of the nature and extent of contamination must be submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a competent person, and must assess any contamination on the site, whether or not it originates on the site. 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), adjoining land, groundwaters and surface waters
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

The assessment must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11".

If the assessment identifies that remediation is necessary, a detailed remediation scheme must be submitted to and approved in writing by the local planning authority prior to re-commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, 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.

Remediation must be carried out in accordance with the approved remediation scheme prior to re-commencement of the development. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the local planning authority.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

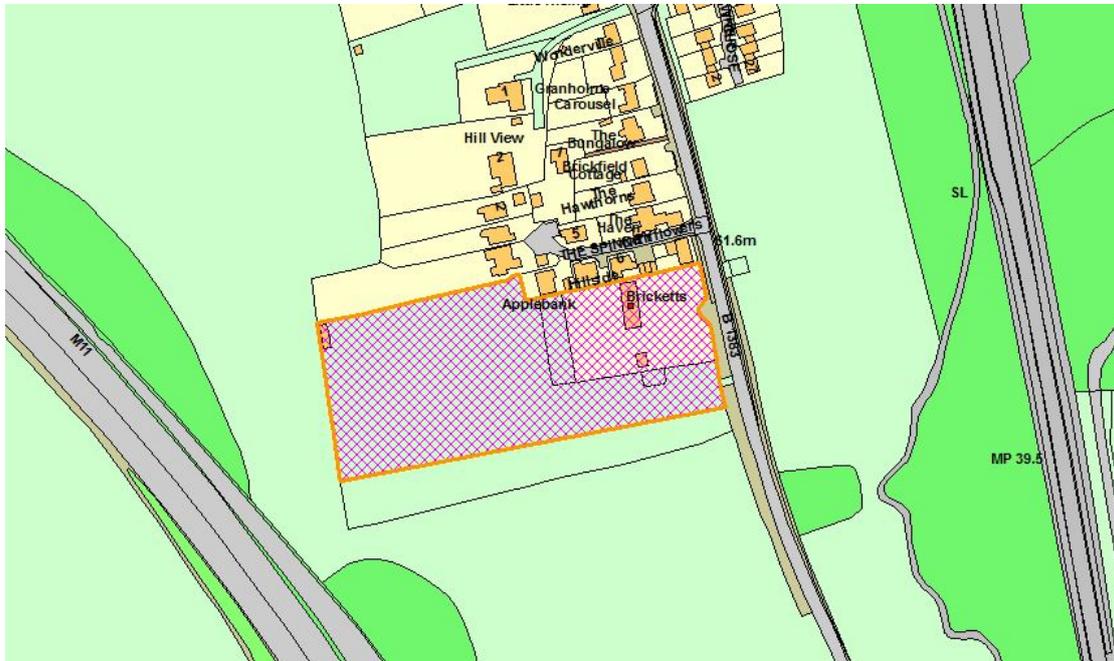
**Appendix:
Accommodation Schedule**

| Plot | Beds | Tenure | Garden standard (sq m) | Garden size (sq m) | Parking standard | Parking spaces |
|-------------|-------------|---------------|-------------------------------|---------------------------|-------------------------|-----------------------|
| 1 (HT4) | 2 | Aff. | 50 | 62 | 2 | 2 |
| 2 (HT4) | 2 | Aff. | 50 | 51 | 2 | 2 |
| 3 (HT4) | 2 | Aff. | 50 | 51 | 2 | 2 |
| 4 (HT4) | 2 | Aff. | 50 | 53 | 2 | 2 |
| 5 (HT7) | 3 | Market | 100 | 103 | 2 | 2 |
| 6 (HT7) | 3 | Market | 100 | 102 | 2 | 2 |
| 7 (HT7) | 3 | Market | 100 | 100 | 2 | 2 |
| 8 (HT7) | 3 | Market | 100 | 100 | 2 | 2 |
| 9 (HT6A) | 3 | Market | 100 | 241 | 2 | 2 |
| 10 (HT6A) | 3 | Market | 100 | 185 | 2 | 2 |
| 11 (HT6A) | 3 | Market | 100 | 190 | 2 | 2 |
| 12 (HT6A) | 3 | Market | 100 | 196 | 2 | 2 |
| 13 (HT6A) | 3 | Market | 100 | 205 | 2 | 2 |
| 14 (HT1) | 2 | Aff. | 50 | 70 | 2 | 2 |
| 15 (HT1) | 2 | Aff. | 50 | 59 | 2 | 2 |
| 16 (HT2) | 3 | Market | 100 | 154 | 2 | 2 |
| 17 (HT3) | 2 | Market * | 50 | 187 | 2 | 2 |
| 18 (HT5) | 3 | Market | 100 | 153 | 2 | 2 |
| 19 (HT4) | 2 | Aff. | 50 | 51 | 2 | 2 |
| 20 (HT4) | 2 | Aff. | 50 | 51 | 2 | 2 |
| Visitors | - | - | - | - | 5 | 5 |

* Bungalow

Application: UTT/18/1827/FUL

Address: Bricketts, London Road, Newport, CB11 3PP



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Organisation: Uttlesford District Council

Department: Planning

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