

## UTT/17/2611/FUL - (NEWPORT)

(Uttlesford District Council is the applicant)

**PROPOSAL:** The construction of four two-bed houses for rent including associated external works and parking. Including new accesses for 48, 50 & 52 Frambury Lane

**LOCATION:** Land to the East of Frambury Lane, Newport

**APPLICANT:** Uttlesford District Council

**AGENT:** The Design Partnership

**EXPIRY DATE:** 24 November 2017

**CASE OFFICER:** Luke Mills

---

### **1. NOTATION**

1.1 Within Development Limits.

### **2. DESCRIPTION OF SITE**

2.1 The site is located off Frambury Lane, Newport. It comprises a former garage ground rent site.

### **3. PROPOSAL**

3.1 The application is for planning permission to erect four dwellings, with associated parking areas and gardens. The existing site access adjacent 56 Frambury Lane would be utilised and new driveways would be formed at 48, 50 and 52 Frambury Lane.

### **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
- Drainage Statement
- Geo-environmental Report
- Preliminary Ecological Appraisal and Bat Survey Report
- Biodiversity Validation Checklist

### **6. RELEVANT SITE HISTORY**

6.1 An application for an alternative six-dwelling scheme was withdrawn in April 2017 (UTT/17/0279/FUL).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
- S3 – Other Development Limits
  - GEN1 – Access
  - GEN2 – Design
  - GEN3 – Flood Protection
  - GEN6 – Infrastructure Provision to Support Development
  - GEN7 – Nature Conservation
  - GEN8 – Vehicle Parking Standards
  - ENV8 – Other Landscape Elements of Importance for Nature Conservation
  - ENV14 – Contaminated Land
  - H1 – Housing Development
  - H3 – New Houses within Development Limits
  - H4 – Backland Development
  - H9 – Affordable Housing
  - H10 – Housing Mix

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

- 7.5
- SPD – Accessible Homes and Playspace (2005)
  - Developer Contributions Guidance Document (Feb 2016)
  - The Essex Design Guide (2005)
  - Parking Standards: Design and Good Practice (2009)
  - Uttlesford Local Residential Parking Standards (2013)

### **National Policies**

- 7.6
- National Planning Policy Framework (NPPF) (2012)  
paragraphs 14, 17, 32-39, 47-49, 55, 58, 100-104, 111, 118 & 120-122
  - Planning Practice Guidance (PPG)
  - Design
  - Flood risk and coastal change
  - Housing: optional technical standards
  - Land affected by contamination
  - Natural environment
  - Planning obligations
  - Planning Update: Written statement (HCWS488) (2015)

## **Other Material Considerations**

- 7.7 - West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) (2015)  
- Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)  
- Housing Trajectory 1 April 2017 (August 2017)

## **8. PARISH COUNCIL COMMENTS**

- 8.1 Newport Parish Council supports this application

## **9. CONSULTATIONS**

### **Aerodrome Safeguarding Authority (Stansted Airport)**

- 9.1 No objections.

### **Housing Enabling Officer**

- 9.2 Extract:

“The 4x2 bed houses will be delivered as affordable homes for rent by Uttlesford District Council and form part of the Council’s affordable housing delivery programme.”

### **Ecological Consultant (Place Services)**

- 9.3 No objections. Extract:

“The proposals are limited in scale/scope and are unlikely to impact designated sites, protected/priority species or priority habitats.

The OPDM Circular 06/05 is clear that further surveys are only required if there is a reasonable likelihood of biodiversity being impacted. Given the low ecological value of the site, further surveys are not required.”

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

- 9.4 No objections, subject to conditions.

## **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 cannot accommodate four houses
- 2) The vehicular access is unsafe
- 3) Inadequate off-street parking provision
- 4) Loss of privacy affecting existing residents
- 5) Loss of daylight affecting existing residents
- 6) Overbearing effect affecting existing residents
- 7) Potential surface water flooding
- 8) Reduction in neighbouring property value

- 9) The site should be used as a car park instead
- 10) Noise disturbance during construction

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

- 1) – 6) Covered in the below appraisal.
- 7) Surface water flooding is to some extent covered in the below appraisal, although the detailed drainage arrangements would be covered by the Building Regulations approval process.
- 8) Not a material planning consideration.
- 9) The proposal must be assessed on its own merits, and not compared with possible alternatives.
- 10) Impacts on neighbours during construction are regulated by the Control of Pollution Acts.

## **11. APPRAISAL**

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

- A Location of housing (S3, H1, H3, H4 & 55)
- B Character and appearance (S3, GEN2, 58 & PPG)
- C Transport (GEN1, GEN8 & 32-39)
- D Accessibility (GEN2, 58 & PPG)
- E Crime (GEN2, 58 & PPG)
- F Amenity (GEN2 & 17)
- G Flooding (GEN3, 100-104, PPG & SFRA)
- H Infrastructure (GEN6)
- I Biodiversity (GEN7, ENV8, 118 & PPG)
- J Land contamination (ENV14, 120-122 & PPG)
- K Affordable housing (H9 & PPG)
- L Housing mix (H10 & SHMA)
- M Housing land supply (47-49)
- N Previously developed land (111)

### **A Location of housing (S3, H1, H3, H4 & 55)**

- 11.1 The site is located within the Development Limits and built-up area of Newport. It is therefore considered that the proposal accords with the above policies insofar as they relate to the location of housing.

### **B Character and appearance (S3, GEN2, 58 & PPG)**

- 11.2 The proposed dwellings would be concealed from most viewpoints due to their position between the rear boundaries of properties along Frambury Lane and Cherry Garden Lane. Nevertheless, it is considered that the traditional designs would be in keeping with the character of the wider area, subject to the use of conditions to secure appropriate external finishes and landscaping. It is therefore concluded that the proposal accords with the above policies insofar as they relate to character and appearance.

## **C Transport (GEN1, GEN8 & 32-39)**

- 11.3 The site's location within a relatively large village ensures that the occupants of the proposed dwellings 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 34 of the NPPF.
- 11.4 The existing vehicular access off Frambury Lane would be improved to facilitate the development. Taking into account the comments of the highway authority, it is considered that there would be no adverse effects on road safety or the road network. Furthermore, each dwelling would be provided with two off-street parking spaces and two visitor spaces would be positioned adjacent the access road, in exceedance of the Council's minimum residential parking standards.
- 11.5 It is noted that part of the site is currently used for car parking, albeit on an informal basis so there is no requirement to replace lost spaces. Nevertheless, the proposal includes new driveways at 48 – 52 Frambury Lane, each accommodating two parking spaces.

## **D Accessibility (GEN2, 58 & 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 Crime (GEN2, 58 & PPG)**

- 11.7 It is considered that the vacant and concealed nature of the site gives rise to the potential for anti-social behaviour, car crime and burglaries. The proposed development would secure a formal use for the site and ensure the prevention of crime through natural surveillance. It is therefore considered that the proposal derives support from the above policies insofar as they relate to crime prevention.

## **F Amenity (GEN2 & 17)**

- 11.8 Each of the proposed gardens would be larger than 50 sq m, in accordance with the minimum standards in The Essex Design Guide.
- 11.9 The separation distance between Plots 3 & 4 and 72 & 74 Frambury Lane would be approximately 25 m, in accordance with The Essex Design Guide. The only window facing the properties on Cherry Garden Lane would be a bathroom window at Plot 3, which could be provided with obscure glazing to prevent privacy. The same could be achieved at Plot 4 in relation to the properties on Frambury Lane. Furthermore, a 3 m high fence along the inside of an existing hedge would successfully prevent harmful overlooking of 56 – 60 Frambury Lane from the dormer windows at Plots 1 and 2.
- 11.10 The proposed occupants would benefit from private sitting out areas within their rear gardens, which would be screened from existing properties. In the case of Plots 1 and 2 screening would be provided by the dwelling itself, while at Plots 3 and 4 a garden shed would ensure suitable screening.

- 11.11 The only contravention of the daylight standards in The Essex Design Guide occurs between Plot 3 and 177 & 179 Cherry Garden Lane. However, the effect is negligible due to the orientation of the proposed building, which ensures that only a small part at the top of the gable contravenes the '25 degree rule'.
- 11.12 Taking into account the scale of the proposed dwellings and the proposal's accordance with daylight standards, it is considered that there would be no significant overbearing impacts.
- 11.13 Overall, it is concluded that the proposed development successfully meets all relevant standards, thereby ensuring a good level of amenity for existing and future occupants in accordance with the above policies.

#### **G Flooding (GEN3, 100-104, PPG & SFRA)**

- 11.14 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 development is for less than 10 dwellings, 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.

#### **H Infrastructure (GEN6)**

- 11.15 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.

#### **I Biodiversity (GEN7, ENV8, 118 & PPG)**

- 11.16 Taking into account the comments of the Council's ecological consultant, it is considered unlikely that the proposal 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 Land contamination (ENV14, 120-122 & PPG)**

- 11.17 Taking into account the submitted Geoenvironmental Report and the comments of the Environmental Health Officer on application UTT/17/0279/FUL, it is considered that the proposal would not give rise to any significant land contamination issues. It is therefore concluded that the proposal accords with the above policies.

#### **K Affordable housing (H9 & PPG)**

- 11.18 As explained in detail in various appeal decisions, including UTT/15/3599/FUL, the Developer Contributions Guidance Document must not be given weight when considering affordable housing requirements. Therefore, the basis for seeking affordable housing provision is Policy H9 and its preamble, which indicate that the proposal need not make a contribution towards affordable housing provision.
- 11.19 It is the applicant's intention that all four dwellings would be affordable homes. However, it is necessary to distinguish between the applicant's intention and the

local planning authority's requirement.

**L Housing mix (H10 & SHMA)**

11.20 The proposed dwellings would be two-bedroom units, in accordance with the requirement in Policy H10 to include a significant proportion of small market dwellings in residential developments.

**M Housing land supply (47-49)**

11.21 Paragraphs 47-49 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, Housing Trajectory 1 April 2017 (August 2017), the Council's housing land supply is currently 3.77 – 4.2 years. Therefore, contributions towards housing land supply must be regarded as a positive effect.

**N Previously developed land (111)**

11.22 Paragraph 111 of the NPPF encourages the re-use of previously developed land, a classification which applies to 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 accords with the development plan and the NPPF, and no material considerations indicate that planning permission should be refused. It is therefore recommended that permission be granted.

**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. Prior to commencement of the development, 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 S3 and Policy GEN2 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, 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 S3 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005). This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

4. The first floor bathroom windows on the eastern and western side elevations of Plots 3 and 4 must be glazed with obscure glass prior to occupation of the dwellings 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 neighbouring properties, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

5. The eaves and ridge heights of the proposed dwellings in relation to existing buildings must be as shown on Drawing No. UDC-703-P102.

REASON: For the avoidance of doubt and to ensure compatibility with the character and appearance of the area, in accordance with Policy S3 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

6. 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.

7. 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.

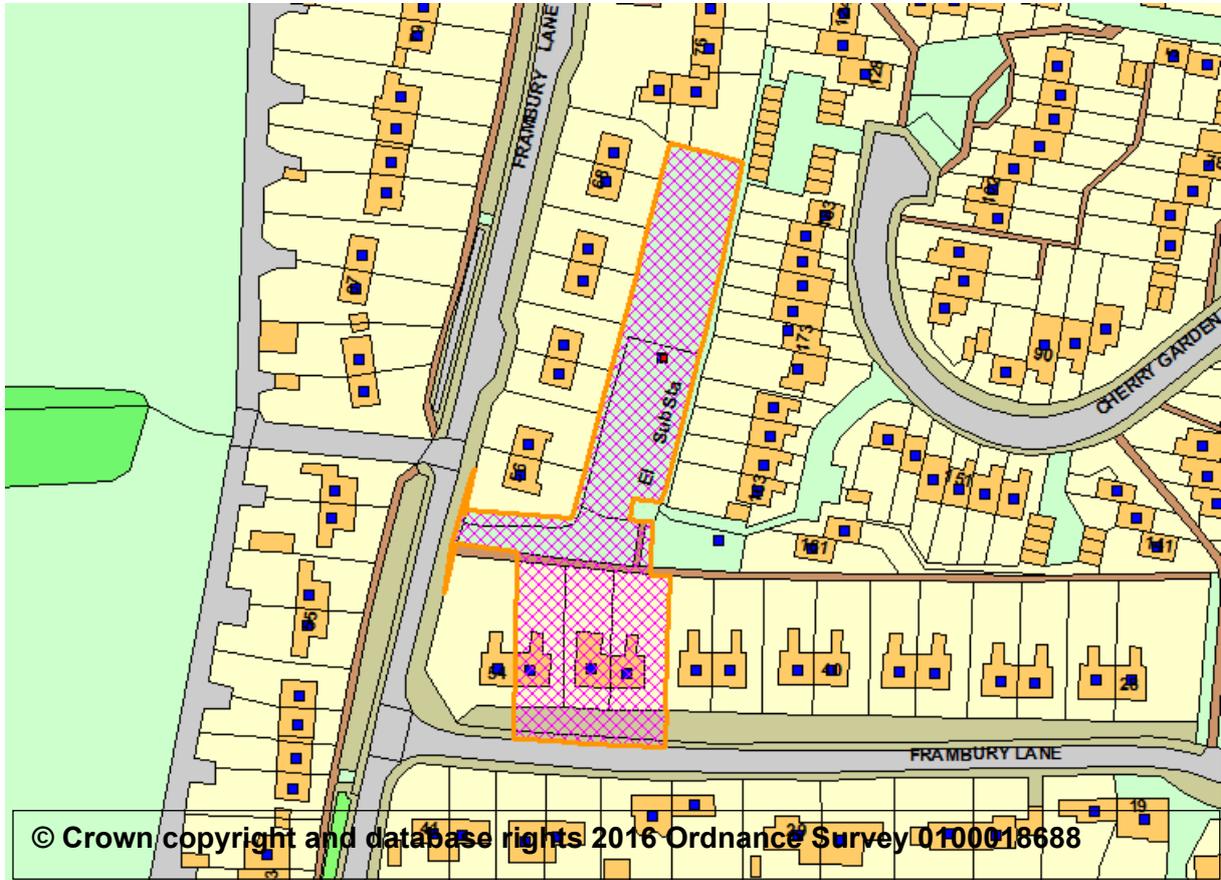
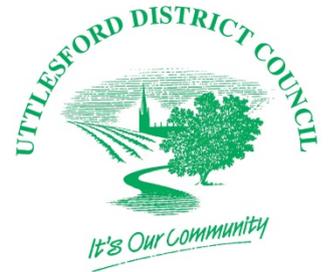
REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

8. The 'New 3 m high closeboard fence' indicated on Drawing No. UDC-703-P100 must be erected prior to occupation of Plots 1 and 2.

REASON: To protect the privacy of existing residents, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

Application: UTT/17/2611/FUL

Address: Land to The East Of Frambury Lane, Newport



Organisation: Uttlesford District Council

Department: Planning

Date: 9 November 2017