

UTT/18/0834/FUL (NEWPORT)

(Referred to Committee by Cllr Gerard. Reason: On access grounds)

PROPOSAL: Proposed removal of existing derelict buildings and erection of 2 no. 4 bedroomed dwellings with cartlodge style garages

LOCATION: Charlotte's Meadow - Land to the North West of Whiteditch Lane, Newport

APPLICANT: Charlotte's Meadow Ltd

AGENT: Rachel Moses Architect Ltd

EXPIRY DATE: 6 July 2018

CASE OFFICER: Luke Mills

1. NOTATION

1.1 Countryside.

2. DESCRIPTION OF SITE

2.1 The site is located at the northern end of Whiteditch Lane, Newport. It comprises a largely-undeveloped parcel of land, with a dilapidated concrete structure close to the eastern boundary.

3. PROPOSAL

3.1 The application is for planning permission to demolish the existing structure and erect two detached houses, with associated garages, driveways and gardens. The existing field access would be upgraded to serve both dwellings.

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 Supporting Statement incorporating Design and Access Statement
- Biodiversity Validation Checklist
- Ecological Survey and Assessment

6. RELEVANT SITE HISTORY

6.1 No recent, relevant history.

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
 - ENV5 – Protection of Agricultural Land
 - ENV8 – Other Landscape Elements of Importance for Nature Conservation
 - 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 (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, 58-66, 75, 100-104, 112, 118 & 128-135
 - Planning Practice Guidance (PPG)
 - Conserving and enhancing the historic environment
 - Design
 - Flood risk and coastal change
 - Housing: optional technical standards
 - Natural environment

- Open space, sports and recreation facilities, public rights of way and local green space
 - Planning obligations
 - Rural housing
- House of Commons Written Statement: Sustainable drainage systems (HCWS161) (2014)
 Planning Update: Written statement (HCWS488) (2015)
 Rights of Way Circular 1/09 (Circular 1/09)

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)
 Newport Village Plan (2010)

8. PARISH COUNCIL COMMENTS

- 8.1 Objection. Concerns include:
- The site is not allocated for residential development
 - Adverse effect on road safety, including in combination with committed developments
 - No need for additional housing in Newport
 - Increased risk of flooding, including from surface water runoff
 - Inadequate foul drainage arrangements
 - Reduced air quality in Newport from additional vehicle movements

9. CONSULTATIONS

London Stansted Airport

- 9.1 No objections.

Historic Environment Advisor (Essex County Council)

- 9.2 No objections, subject to a condition to secure archaeological investigation.
 Extract:

“The Historic Environment Record and the Historic Environment Characterisation study indicate that the proposed development lies within a potentially sensitive area of heritage assets. No information has been submitted with the application with regard to the potential historic environment impacts of the proposed scheme.

The proposed development lies just outside the suggested limits of the medieval town, however, there is documentary evidence of a castle being in the vicinity (EHER 234). Initially thought to be in the area of the school, however, excavations here have failed to identify any remains. Recent trial trenching to the south of the site identified limited prehistoric occupation (EHER 48597). The site also lies in close proximity to a sequence of cropmarks indicative of a large enclosure (EHER 19837).

The archaeological work would comprise initial trial trenching to identify the

extent and depth of archaeological deposits followed by open area excavation if archaeological deposits are identified.”

Ecological Consultant (Essex County Council)

- 9.3 No objections, subject to a condition to secure the proposed ecological mitigation and enhancement measures. Extract:

“The proposals are limited in scale/scope and according to the Ecological Survey and Assessment (Essex Mammal Surveys, Nov 2017) 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.

Environmental Health Officer

- 9.5 No objections.

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) Inadequate highway capacity
- 2) Unsuitable access
- 3) Increased risk to the safety of byway users
- 4) Construction vehicles could obstruct the byway
- 5) Loss of privacy at neighbouring properties
- 6) Loss of trees to facilitate access
- 7) Potential harm to biodiversity
- 8) Increased risk of surface water flooding
- 9) Requirement for contributions to infrastructure improvements
- 10) Conflict with the draft Newport, Quendon and Rickling Neighbourhood Plan
- 11) Missing Environmental Impact Assessment (EIA) screening opinion
- 12) Precedent for more intensive development

- 10.2 Supportive comments include:

- a) Compatible with the character of the area
- b) The applicant has engaged with neighbours before submitting the application
- c) Suitable drainage arrangements, subject to appropriate planning conditions

- 10.3 The following comments are made in relation to the above concerns:

- 1) – 9) Covered in the below appraisal.

10) The Neighbourhood Plan has limited weight at its draft stage, such that its policies have little bearing on this planning decision.

11) The question of EIA is addressed under the report heading, 'Environmental Impact Assessment'.

12) Any future applications would be assessed on their own merits.

11. APPRAISAL

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

- A Location of housing (S7, H1, 55 & PPG)
- B Character and appearance (S7, GEN2, 17, 58-66 & PPG)
- C Transport (GEN1, GEN8, 32-39, 75, PPG, HCWS488 & Circular 1/09)
- D Accessibility (GEN2, 58 & PPG)
- E Amenity (GEN2 & 17)
- F Flooding (GEN3, 100-104, PPG, HCWS161 & SFRA)
- G Infrastructure (GEN6)
- H Biodiversity (GEN7, ENV8, 118 & PPG)
- I Archaeology (ENV4, 128-135 & PPG)
- J Agricultural land (ENV5 & 112)
- K Affordable housing (H9 & PPG)
- L Housing mix (H10 & SHMA)
- M Housing land supply (47-49)

A Location of housing (S7, H1, 55 & 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 paragraph 55 of the NPPF.

B Character and appearance (S7, GEN2, 17, 58-66 & PPG)

- 11.2 The use of undeveloped land that forms part of the countryside would inherently have a harmful effect on the character of the area. However, the containment of the development within established vegetated boundaries would prevent any significant incursion into the open rural landscape beyond. It is therefore considered that any harm to landscape character would be limited.
- 11.3 As for the design and layout of the development, it is considered that it would be compatible with nearby development off Whiteditch Lane. The scale would be similar to a number of existing houses, while the lack of a uniform building line ensures that the set-back position of the dwellings would not appear out of place. Furthermore, the low density of development is consistent with the spacious rural character of the area, while the traditional appearance and materials would be compatible with nearby buildings.
- 11.4 It is concluded that there would be conflict with the above policies insofar as they relate to countryside character, albeit the level of harm would be limited. The building designs accord with the above policies.

C Transport (GEN1, GEN8, 32-39, 75, PPG, HCWS488 & Circular 1/09)

- 11.5 The site's location within a relatively large village ensures that the occupants of the proposed dwelling would have access to a range of services and facilities, and to a train station with regular services to Cambridge and London.
- 11.6 Taking into account the comments of the highway authority, it is considered that there would be no significant adverse effects on road safety or capacity. Furthermore, the proposed parking provision complies with the Council's minimum standards. It is therefore concluded that the proposal accords with the above policies.

D Accessibility (GEN2, 58 & PPG)

- 11.7 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 & 17)

- 11.8 Taking into account The Essex Design Guide, a non-adopted but useful guidance document, 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 or overbearing impacts. Furthermore, the 33 m separation from Bramblemead, the oblique angle and the partial boundary screening ensure that Plot 2 would not cause a significant loss of privacy for existing residents. It is therefore concluded that the proposal accords with the above policies insofar as they relate to amenity.

F Flooding (GEN3, 100-104, PPG, HCWS161 & 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 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 above policies.
- 11.10 It is noted that concerns have been raised among the submitted representations regarding the effectiveness of the proposed drainage arrangements. This would be ensured through the separate Building Regulations approval process.

G Infrastructure (GEN6)

- 11.11 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, ENV8, 118 & PPG)

- 11.12 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, 128-135 & PPG)

- 11.13 Taking into account the comments of the Historic Environment Advisor, it is considered that the development has the potential to affect important archaeological remains. Subject to the use of a condition to secure the necessary archaeological investigation, the proposal accords with the above policies.

J Agricultural land (ENV5 & 112)

- 11.14 Policy ENV5 seeks to prevent significant losses of the best and most versatile (BMV) agricultural land, and paragraph 112 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.

K Affordable housing (H9 & PPG)

- 11.15 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.

L Housing mix (H10 & SHMA)

- 11.16 As the site area is greater than 0.1 ha, Policy H10 requires that small market housing comprises a significant proportion of the total number of units. However, the preamble to the policy does not reference site area so the justification for the requirement is unclear. It is therefore considered that the housing mix requirements should only be applied to developments of three or more dwellings.

M Housing land supply (47-49)

- 11.17 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.

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 14 is engaged because relevant policies for the supply of housing, including the associated site allocations and Development Limits, are out of date. In this case, the limited adverse effect on countryside character and the negligible effect on agricultural land provision would not 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.

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 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 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. 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, 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. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

5. Prior to occupation of the development, the vehicular access off Whiteditch Lane and the associated visibility splays must be formed in accordance with Drawing No. 1724/PD/08.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway, in accordance with Policy GEN1 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 development must be carried out in accordance with the ecological measures and/or works recommended in the submitted Ecological Survey and Assessment (Essex Mammal Surveys, Nov 2017). This includes covering trenches overnight/ leaving means of escape, hedgehog friendly boundaries and installation of four bird nest boxes.

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/18/0834/FUL

Address: Charlotte's Meadow - Land to the North West of Whiteditch Lane, Newport



Organisation: Uttlesford District Council

Department: Planning

Date: 14 June 2018