

PLANNING APPLICATIONS

UTT/1562/11/OP (THAXTED)

PROPOSAL: Outline application for residential development with all matters reserved

LOCATION: Land off Wedow Road, Thaxted

APPLICANT: Endurance Estates Strategic Land Ltd

AGENT: RPS (Mrs H Phillips)

GRID REFERENCE: 614-312

EXPIRY DATE: 1 November 2011

CASE OFFICER: Mr M Ovenden

APPLICATION TYPE: Major

1 NOTATION

1.1 Outside Development Limits/Tree Preservation Order/Part Within 55-66dB(A)Leq.

2 DESCRIPTION OF SITE

2.1 The application site has an area of 1.93 hectares and is on the eastern edge of Thaxted and accessed via Wedow Road which terminates in a hammerhead adjacent to the site entrance. To the north and west is existing residential development in Weaverhead Close, Wedow Road and Brook View. The north eastern boundary of the site is adjacent to a field of predominantly scrubland within the ownership of the applicant. To the east is agricultural land. The southern boundary is marked by a brook with Walnut Tree Meadow to the south, an area of land used as public open space.

2.2 The site falls from north to south and land levels change by approximately 11m across the site. The site is predominantly scrubland and some areas are overgrown with brambles and self-seeded saplings. There are informal pathways crossing the site and there is an official public right of way along the southern and western edges of the site. Boundary screening is a mix of mature hedging and scattered mature trees. The area adjacent to the brook is covered by a Tree Preservation Order. The committee visited the site on 1 June 2011 when considering the last application.

3 PROPOSAL

3.1 This development proposal is identical to that which was subject to an application earlier this year, other than amendments which the applicant considers address issues of flooding and ecology. The planning application relates to an outline proposal for residential development with all matters (layout, scale, appearance, access and landscaping) reserved. The number of proposed residential units is not stated but an indicative drawing submitted with the application shows that 55 units could be accommodated within the site. The indicative drawing also indicates 10% of the site allocated as public open space and this would be located immediately adjacent to land owned by David Wilson Homes which was supposed to be developed as public open space for the Wedow Road/Brook View development. Access is shown to be via the hammerhead in Wedow Road. The scale of development is shown as ranging from up to 2 storey development adjacent to the open space and adjacent to existing residential

development. An area of 2 ½ storey development is indicated adjacent to the northern edge of the new spine road and the eastern boundary of the site. Indicative drawings submitted indicate that dwelling heights are envisaged to range from 8.6m to 10.8m. Dwelling types would be a mix of terraces, semi-detached and detached.

- 3.2 The Design and Access Statement proposes a Design Code which would include the use of chimneys; window styles to reflect the historic buildings in Thaxted village centre; limited use of dormer windows and the use of a single style of dormer; cottage style doors; detailing to the surrounds to doors and windows with limited detailing to rendered properties; use of colourwash render. These details are intended to create a "sense of place" drawing on the historic character of the village.

4 APPLICANTS CASE

- 4.1 The application is accompanied by the following documents:

- Design and Access Statement
- Planning Statement
- Phase 1 Habitat and Protected Species Scoping Survey
- Landscape and Visual Appraisal
- Arboricultural Implications Assessment
- Archaeological/Historic Environment Desk-based Assessment
- Aircraft Noise Assessment
- Phase One Desk Study and Factual Ground Investigation Report
- Foul Sewerage and Utilities Assessment
- Site Specific Flood Risk Assessment (updated)
- Transport Statement and addendum
- Statement of Community Involvement

5 RELEVANT SITE HISTORY

- 5.1 An application for the same development was refused by the committee in June 2011. Although the officer recommendation was for approval subject to conditions and S106 agreement (to achieve payment of contributions towards education provision and achieving affordable housing), it was refused following a site visit on the following grounds:

- The application proposes market housing outside development limit.
- The application does not include a mechanism for addressing or mitigating a shortfall in the provision of primary education.
- The application would result in an unacceptable impact on natural species within the site.
- The application contains no measures to address or mitigate downstream flooding.

- 5.2 The applicant has appealed to the Secretary of State against the refusal of the last application.

6 POLICIES

6.1 National Policies

- Planning Policy Statement 1: Delivering Sustainable Development
- Planning Policy Statement 3: Housing
- Planning Policy Statement 5: Planning for the Historic Environment
- Planning Policy Statement 7: Sustainable Development in Rural Areas
- Planning Policy Statement 9: Biodiversity and Geological Conservation
- Planning Policy Guidance 13: Transport
- Planning Policy Guidance 24: Planning and Noise

- Planning Policy Statement 25: Development and Flood Risk

6.2 In July the Secretary of State (DCLG) issued a draft National Planning Policy Framework for consultation. The Consultation period expires on 17 October 2011. From the day it was published we have received appeal decisions referring to the document as a material consideration. Officers have had regard to this document when considering the application.

6.3 East of England Plan 2006

- Policy H1: Regional Housing Provision 2001 to 2021
- Policy ENV7: Quality in the Built Environment
- Policy ENG1: Carbon Dioxide Emissions and Energy Performance

6.4 Essex Replacement Structure Plan 2001

- None

6.4 Uttlesford District Local Plan 2005

- Policy S3: Other development limits
- Policy S7: The Countryside
- Policy H10: Housing Mix
- Policy H9: Affordable Housing
- Policy GEN1: Access
- Policy GEN2: Design
- Policy GEN3: Flood Protection
- Policy GEN6: Infrastructure Provision
- Policy GEN7: Nature Conservation
- Policy GEN8: Vehicle Parking Standards
- Policy ENV3: Open Spaces and Trees
- Policy ENV4: Ancient Monuments and Sites of Archaeological Importance
- Policy ENV10: Noise Sensitive Development and Disturbance from Aircraft
- SPD: Energy Efficiency and Renewable Energy
- SPD: Accessible Homes and Playspace
- Parking Standards: Design and Good Practice Guide
- Thaxted Design Statement

7 PARISH COUNCIL COMMENTS

7.1 The Parish Council has consulted residents and wishes to object for the following reasons:

- Contravention of Policy S3 – site is outside the development limit
- Contravention of Policy S7 – the development would not enhance the particular character of the countryside; is not appropriate to a rural local and there are no special reasons that it needs to be there
- The development is surplus to Thaxted's needs. In the last five years over 55 houses have been built – Bellrope Meadow, Little Maypole and Coopers Close. Under previous guidance Thaxted was asked to find space for up to 60 houses; we have shouldered our part of the burden for the housing shortage in Uttlesford.
- The development is at odds with the village design statement it states "Any new housing should be limited to infill or small clusters. There is strong local opposition to the construction of further estates. Provision for green space as a focus should be considered." "Current town limits should as far as possible be respected". The application needs to be judged against this statement which has been adopted by Uttlesford as approved guidance.
- The site has been discounted by the SHLAA due to air/noise pollution related to aeroplanes associated with Stansted Airport.

- Risk of flooding – adjacent land and properties have flooded on many occasions. The suggested measures would not successfully prevent future flooding.
- It is understood that Great Easton sewage only just has the capacity to deal with the development. Other smaller sites are likely to come forward. It is not wise to use up all this capacity in one go.
- Great concern about highway implications of extra traffic on narrow streets and junctions. We do not accept the traffic projections made on behalf of the applicant and survey data was flawed.
- There is likely to be an increased noise and disturbance with overlooking and loss of outlook.
- Pressure on education service. Although ECC's reply requests a S106 agreement we know the school does not have the physical space to expand.
- Nature conservation: Common Calamint is on the site; it is rare and should not be disturbed. Common lizards and Butterflies are on the site, Bats near the site. It is a wildlife corridor.

Thaxted Parish Council objects most strongly and urges Uttlesford to refuse permission.

8 CONSULTATIONS

Water Authority (Anglian Water)

8.1 To be reported

Highways Authority (Essex County Council)

8.2 The documentation submitted with the application has been submitted. The constrained geometry of historic roads has been noted and site visits have been undertaken at various times to including in morning and afternoon peak times to view traffic patterns. The applicant has offered to provide coloured anti skid surface near to the Tanyard junction with the B184. This would not meet the Parish's objectives for the Conservation Area due to its colour. It is also noisier than a standard surface and the Parish has a desire for a low noise surface. Instead it is requested that Gateway features be provided at each end of the village to encourage lower speeds and a low noise surface applied between the Guildhall and Orange Street, both to mitigate the additional vehicles travelling through the village. This surface has been successfully applied from the Guildhall to Newbiggen Street. Travel packs should be provided as the bus service operating to the village does not offer a system of bus passes and therefore the applicants suggested season tickets would not work. Comments on layout would be made at the reserved matters stage.

8.3 The Highways Authority does not raise objection subject to the following:

- Provision of turning and loading facilities etc within the site
- An appropriate construction access
- Parking area during construction
- Wheel washing etc
- Survey and repair of condition of Wedow Road
- Means of preventing surface water discharge on highway
- Compliance with Essex Design Guide highway standards
- Provision of Gateway features prior to occupation of dwellings
- Low noise surface along section of B184 (financial contribution of £24,000)
- Compliance with adopted parking standards
- Provision of travel packs (via S106 or Obligation)
- All vehicular access from Wedow Road
- Maintenance of public rights of way

Environment Agency

8.4 No objections subject to conditions covering:

Page 4

- Implementation of surface water drainage. The drainage calculations show that the discharge rates will not exacerbate the problems in the receiving watercourse and increase flooding off site or to neighbouring property or land. An appropriate drainage scheme should employ the use of a Sustainable Urban Drainage Scheme (SUDS).
- Remediation if contaminants are found on site
- Further ecological surveys if permission is granted
- Great Easton sewage works can accept flows from the development
- Submission of a scheme for water efficiency
- Scheme of energy and resource efficiency during construction.

Archaeology Advice (Essex County Council)

- 8.5 Recommend condition requiring trial trenching and excavation prior to ground works. There is the possibility of Iron Age, Roman and medieval finds.

Education Authority (Essex County Council - School Organisation and Planning):

- 8.6 Additional places would be required as a result of the development. This can be secured by S106 Agreement using the formula given in the Developers Guide to Infrastructure Contributions. If permission is refused the lack of such a funding mechanism should be a reason for refusal.

Architectural Liaison (Essex Police):

- 8.7 To be reported

Natural England

- 8.8 No objections.

UDC Building Surveying

- 8.9 Unable to comment on the layout in respect of B5 Access and facilities for fire brigade access at this outline stage.

UDC Drainage Engineer

- 8.10 The Environment Agency has requested a condition which I support. I would also wish to see improvements made to the grill on the adjacent watercourse to reduce the risk of flooding as a result of blockages.

UDC Climate Change Manager

- 8.11 Recommend conditions C8.29 and 8.32 – Compliance with Code 3 and 10% on site renewable energy.

UDC Environmental Health

- 8.12 Noise: Site is located in an area which will be subject to noticeable aircraft noise for a proportion of the time. It will fall within the noise contours corresponding to Category B of the Noise Assessment Criteria under PPG24 once Stansted Airport operates to the limits set by its existing planning consent. The noise levels used for mapping are of course averages and future residents will experience levels above and below. Category B recommends control of development to ensure an adequate level of protection against noise, and in event of approval a condition would be required to provide dwellings with suitable sound attenuation. During the construction phase a comprehensive noise control scheme will be required.

- 8.13 Contamination: Part of the site was historically worked as a gravel pit and will contain unknown fill. An intrusive investigation and gas monitoring will be needed and results submitted as part of an application for full approval. Condition required.
- 8.14 Dust: A condition required for the submission of a management scheme prior to start of work.

UDC Planning and Housing Strategy

- 8.15 To be reported

UDC PROJECT OFFICER (ACCESSIBILITY)

- 8.16 Requires a planning condition is permission is granted.

9 REPRESENTATIONS

- 9.1 To date 242 representations have been received. Many raise the same issues and a précis of the point is as follows:

- As per the previous application that was refused, I do not believe Thaxted needs anymore housing as the infrastructure cannot cope within the centre of the town. Wedow Road has more than enough traffic passing every day and the junction to Weaverhead Lane is already dangerous with the amount of cars parked on the roadside. Drainage is a problem and the school is already full to capacity.
- My property backs onto and overlooks the site. It would directly affect me from a financial and quality of life perspective. The view I enjoy would be completely obliterated. I fear that my health would be further affect of this is approved. Some of the trees that the developer says will be retained lie within my property.
- I estimate that the 55 properties would generate in excess of eighty additional vehicles. Roads are dangerous enough and were not designed to handle this volume. I have often narrowly avoided being involved in road accidents along Wedow Road, Weaverhead Lane and the Tanyard. Many children use these routes to get to school. The development would increase the danger to them. Problems would be exacerbated during construction. Would change the character of Thaxted. Concerned about extra traffic any residential development would cause passing through either the Tanyard or Bell Lane. Both are narrow and permit one vehicle to pass at a time. Neither is wide enough for a pavement to allow for wheelchairs etc.
- School places are under pressure; health care provision is under pressure; concerns over sewerage capacity. What will it take to make you all see sense? I know, it will be when all the infrastructure breaks down. Do you people not listen to my rejection first time around? No to development. We have to reverse on to or off of our drive. This would be dangerous on a road (Weaverhead Lane) with even more traffic.
- Too many houses for this site whatever the configuration. Water supplies are hard pressed in this area and such a large development will cause tangible degradation. There are rare species of lizard, bat and orchid on the site; it would destroy a valuable wildlife corridor.
- It is a known fact that flooding occurs and the land is not fit for building on. The possibility of BT data lines being affected in a negative way by the influx of new housing.
- When the Council rejected the last application we all felt that the reason was fair and the objections made were fair, intelligent and took into account the practical reasons for not building. I do not believe it was primarily to appease local residents. I hope

the Council once again rejects the application on environmental grounds. We already have two large developments. More would ruin the character of this very special historic town. The land is part of a larger area and will the developers build on it bit by bit? We move here from a town ruined by poorly thought out planning decisions; please listened to the people of Thaxted who are saying no to development for so many reasons.

- Object as before with additional objection that the land is outside the designated area and that exceptions are not present. Contrary to Village Design Statement. This reapplication less than three months since the last rejection is a cynical effort to brow beat the committee and local population.
- Despite all these objections I think that the local residents will not be listened to and the Council will decide that Government pressure to supply it's quota of new housing will mean that this will go ahead. It should however be trimmed down to a more acceptable size as a concession to local feeling.
- We strongly oppose this application. Once again I would like to say that I am wholeheartedly against any development.
- The local community have already expressed their strong views against the development. We have not changed our minds!! We do not want our village to suffer by putting a strain on our local amenities. I hope that the views of the local people who live in Thaxted, and who want to preserve the atmosphere
- of village life here, will be taken into account and not ignored in favour of the greed of people who have no regard for the good of the local communities and the future of British villages.
- We really do not need more large scale development of this kind in Thaxted. Wedow Road/Tanyard is not suitable for the traffic to and from the site during construction and later from residents. Infrastructure cannot cope with present volume of traffic.
- Any car access should be of Sampford Road. Congestion and parking in Weaverhead Lane is bad already causing dangers to Council vehicles manoeuvring quiet regularly!! More flow of water will be produced increasing flood risk on surrounding lower surrounding ground spreading to The Tanyard. On another count we fully support the Sainsbury's application with a
- fuel Station in Saffron Walden.

10 APPRAISAL

10.1 The application is a resubmission of an application that was refused recently. The report relating to the last application was comprehensive and all issues were found to be acceptable except for four matters with each forming a reason for refusal. **Therefore the issue to consider in the determination of the application is whether the application overcomes those reasons for refusal:**

- A) The application proposes market housing outside development limit.**
- B) The application does not include a mechanism for addressing or mitigating a shortfall in the provision of primary education.**
- C) The application would result in an unacceptable impact on natural species within the site.**
- D) The application contains no measures to address or mitigate downstream flooding.**

10.2 It is also proposed to consider any new material considerations that have arisen since the determination of that application.

A) The application proposes market housing outside development limit.

10.3 The first reason for refusal of the last application was:

"The site lies outside the development limit where in accordance with Uttlesford Local Plan Policy S7 the countryside is to be protected for its own sake. The countryside will be protected from development unless it needs to be there or is appropriate to a rural area. The proposal would involve the erection of market housing which is not an appropriate form of development in the countryside, does not need to be there and would not protect the character of the countryside. It therefore fails to comply with Policy S7 of the Uttlesford Local Plan."

10.4 The site remains outside the development limit and on land consequently considered to be countryside. The limit is drawn in the local plan which was adopted in January 2005. Residential development is not normally considered appropriate or to protect the character of a rural area outside such limits. Affordable housing can be acceptable in such locations as there are other policy considerations. The application proposes thirty three market houses outside the development limit as did the last application. Based solely on an assessment of the proposal in the context of Policy S3 and S7 the application would be refused.

10.5 However as development plans age and new policy, including national policy, is published they can become out of date in whole or in part and therefore lose weight in the decision making process. The local plan element of the Development Plan was adopted before Planning Policy Statement 3 – Housing (PPS3) was issued and subsequently revised.

10.6 Part of the applicant's case is the requirement for the local planning authority to have a five year land supply of deliverable housing sites. This is set out in Paragraph 71 of PPS3 which states:

"Where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69."

10.7 Paragraph 69 of PPS3 states:

"In general, in deciding planning applications, Local Planning Authorities should have regard to:

- *Achieving high quality housing*
- *Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people*
- *The suitability of a site for housing, including its environmental sustainability*
- *Using land effectively and efficiently*
- *Ensuring the proposed development is in line with planning for housing objectives reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives eg addressing housing market renewal issues."*

10.8 As the committee is aware, this national planning policy requires local authorities to have a supply of land sufficient for building for a five year period. If it does not – and Uttlesford does not – local planning authorities should look favourably on applications that increase that supply. There are no particular impediments to developing this piece of land. It is clearly developable and the applicant has indicated that the land would not be banked but developed possibility as early as next year. It would therefore make a very useful contribution to achieving a five year land supply. This weighs significantly in its favour.

- 10.9 Another area where the Council is falling short of its target is the need to meet a corporate target of providing at least 100 affordable housing units per year. This development would make provision of 40% affordable units, in accordance with ULP Policy H9. If the overall housing numbers are to be 55 units then this would secure an affordable housing provision of 22 units. This is a further material consideration to be taken in favour of the proposal.
- 10.10 Overall the proposal is contrary to ULP Policy S7 and the rural restraint policies set out in PPS7. It has been demonstrated that adequate measures could be secured by condition to ensure that the development would be in compliance with PPG24. Furthermore, the proposal includes mitigation measures in relation to both protected and non-protected species with translocation to an adjoining site. Therefore, the proposal must be considered in respect of the parameters set out in paragraph 69 of PPS3.
- 10.11 Being an outline application it is hard to comment on the quality and mix of housing. In relation to suitability of the site, this is a matter of judgement. It is clear from the Thaxted Design Statement and the representations received that local residents do not wish to see this site developed as they feel it should become open space. However, this is an aspiration and one that is unlikely to be deliverable without the support of the landowner. The site is a Greenfield site and forms a transition between the urban form of Thaxted and agricultural land beyond. The development of this site has some parallels with the Elsenham site where the Inspector considered that the boundary screening provided a degree of enclosure for the site and separation from the open agricultural land. The existing screening does provide a barrier to the open agricultural land, maybe not as dense as in the Elsenham case.

- 10.12 The Inspector when considering the development proposals at Elsenham stated:

"The proposed development would then, to some extent, be visible from the south and west. The effect would be to increase the influence of the built form on the open land. Neither this nor the change in character of the appeal site itself could be considered as either protecting or enhancing the character of the countryside."

- 10.13 The development of this site would be visible to some extent from the east but would be contained by existing urban form to the north, south and west, albeit the urban form to the south is separated by the mature trees, brook and Walnut Tree Meadow.
- 10.14 Consequently, given the lack of a deliverable 5 year housing supply and the fact that the site is well contained by existing development and natural features this is a site which should be supported to help deliver the required homes for the District.

B) The application does not include a mechanism for addressing or mitigating a shortfall in the provision of primary education.

- 10.14 The second reason for refusal of the last application was:

"There are insufficient primary school places in Thaxted to accommodate this level of development and the application provides no mechanism for addressing or mitigating the shortfall in the provision in the locality. It therefore fails to comply with Policy GEN6 of the Uttlesford Local Plan and the Essex Developers' Guide to Infrastructure Contributions (Adopted as County Supplementary Guidance)."

- 10.15 The Education Authority was and remains content that a conventional commuted payment is an appropriate way to mitigate a shortfall in provision. If the application was approved it would have required the mitigation payment via a S106 agreement. However as the application was refused the matter had to be subject to a reason for refusal otherwise it could not have been picked up at appeal or a follow up application. This was therefore a technical reason for refusal. If this application is approved it should be a requirement to

enter a S106 agreement to achieve the mitigation payment; conversely if the application is refused this reason for refusal should be repeated.

C) The application would result in an unacceptable impact on natural species within the site.

10.16 The third reason for refusal of the last application was:

"The proposed development would be likely to lead to an unacceptable impact on natural species within the site. It therefore fails to comply with Policy GEN7 of the Uttlesford Local Plan and PPS9."

10.17 When determining the last application the Committee was concerned that Natural England had not confirmed that it had no objections to the proposal. Since the application was refused, officers have been in further contact with Natural England who has again referred to its standing advice. The application meets the requirements of the standing advice. Natural England has confirmed (see section 'Consultations' above) that it has no objection. This reason for refusal has therefore been overcome. The Environment Agency has considered a similar issue and requested a condition for further surveying following the grant of permission. No objections are therefore raised on these points.

D) The application contains no measures to address or mitigate downstream flooding.

10.18 The fourth reason for refusal of the last application was:

"The drainage scheme incorporated in the application contains no measures to address or mitigate existing flooding problems downstream of the site. It therefore fails to comply with Policies GEN2, GEN3 and GEN6 of the Uttlesford Local Plan."

10.19 At the time of the last application the committee was made aware of local flooding problems and although there was no evidence that the development would make local flooding worse, the committee felt that the development should make some contribution to addressing or mitigating downstream flooding. Officers have discussion this with the applicant in pre application discussions.

10.20 The Environment Agency states that information supplied with the application shows that the discharge rates will not exacerbate the problems in the receiving watercourse and increase flooding off site or to neighbouring property or land. The Council's drainage engineer considers that the drainage situation measures to prevent the grill becoming blocked should make flooding less likely.

10.21 The applicant has offered to make a financial contribution to the provision of a suitable drainage solution to help prevent flooding in the future. The scheme has been prepared, plans produced and the scheme costed. The financial contribution can be secured through a legal agreement. Therefore it is considered that this previous concern has been overcome.

E) Any new material considerations that have arisen since the determination of that application

10.20 In July the Secretary of State (DCLG) issued a draft National Planning Policy Framework for consultation. The Consultation period expires on 17 October 2011. The Chief Planning Inspector has issued guidance to Inspectors that the document is capable of being a material consideration. Indeed from the day it was published we have received appeal decisions referring to the document as a material consideration. Officers have had regard to this document when considering the application and given it some weight in making a recommendation. This consultation document includes many changes to the planning system but in particular proposes that planning authorities should provide more than five years supply of land for housing building (5 year supply plus 20%). As it is the

Council's position that it does not have a five year land supply it accordingly does not have a supply under this enlarged measure. Consequently it could be argued that the shortfall in land supply as defined in this draft document is greater than previously stated which adds weight to the applicant's justification.

11 CONCLUSION

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

- The proposal would provided for additional housing which is required to provide an ongoing deliverable supply of housing within the District.
- Accessibility to the site for vehicular traffic has been found to be satisfactory. Parking standards can be met through the use of conditions.
- The application is an outline application and therefore it is not possible to comment in detail about the design aspects or potential impacts on neighbouring properties. However, the use of Design Codes and compliance with current adopted Council standards, such as the Essex Design Guide and the Accessible Homes SPD should ensure the development would be acceptable in design terms. Conditions can be used to protect neighbour amenity during construction.
- The proposals include mitigation measures for both protected and non-protected species with translocation to an adjoining site. Measures are also proposed to ensure improvements to habitats to encourage foraging bats.
- It has been demonstrated that conditions can be applied to ensure a SUDs scheme is developed as part of the reserved matters and the scheme makes provision for improvement to drainage in the vicinity.
- An archaeological trial and excavation condition is required in order to ensure proper recording of any archaeological remains that may be present on the site.
- Impacts on infrastructure have been considered, but only the impact on education provision is a material consideration and this can be mitigated by way of a financial contribution, secured by a Section 106 Agreement.
- Other material considerations are the requirement for the Council to demonstrate a 5 year supply of deliverable land for residential development and a target to provide 100 affordable units of accommodation per annum. The Council is failing in both these issues and therefore considerable weight must be given to these. It is considered that these material considerations outweigh the rural restraint issues and the proposal should be approved.

RECOMMENDATION – CONDITIONAL APPROVAL WITH S106 AGREEMENT

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless within 6 months of being invited to do so the freehold owner enters into a binding agreement 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 Assistant chief Executive – Legal, in which case he shall be authorised to conclude such an agreement to secure the following:
 - (i) payment of contributions towards Education provision
 - (ii) provision of Affordable housing
 - (iii) payment of contributions towards provision of drainage mitigation measures
 - (iv) Provision of travel packs and local highway improvements (anti skid surface and 'gateway')
 - (v) Transfer and maintenance of open space
 - (vi) Pay Councils reasonable costs
- (II) In the event of such an agreement being made, the Assistant Director Planning and Building Control 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 agreement, the Assistant Director Planning and Building Control shall be authorised to refuse permission for the following reasons:
- (i) No contributions towards Education provision
 - (ii) No affordable housing
 - (iii) No drainage mitigation measures
 - (iv) No travel packs and local highway improvements provided
 - (v) Transfer and maintenance of open space

CONDITIONS:

1. Approval of the details of the layout, scale, appearance, access and landscaping (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.
REASON: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.
2. Plans and particulars of the reserved matters referred to in condition 1. above, relating to the layout, scale, appearance access and landscaping, shall be submitted in writing to the local planning authority and shall be carried out as approved.
REASON: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.
3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of **12 months** from the date of this permission.
REASON: Permission is granted in this case because the planning authority cannot demonstrate a sufficient supply of house building land at this point in time and the deliverability of this site weighs in its favour and permission should therefore be implemented rather than banked as it would make no contribution to delivering new dwellings.
4. The development hereby permitted shall be begun before the expiration of **one year** from the date of approval of the last of the reserved matters to be approved.
REASON: Permission is granted in this case because the planning authority cannot demonstrate a sufficient supply of house building land at this point in time and the deliverability of this site weighs in its favour and permission should therefore be implemented rather than banked as it would make no contribution to delivering new dwellings.
5. The plans and particulars submitted in accordance with condition 1 above shall include:
 - (a) A plan showing (i) the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter of 75mm or greater, measured over the bark at a point 1.5 m above ground level, showing which trees are to be retained and the crown spread of each retained tree and (ii) the location of hedges to be retained and details of species in each hedge;
 - (b) details of the species, diameter (measured in accordance with paragraph (a) above) and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
 - (c) details of any proposed topping or lopping of any retained tree or of any tree on land adjacent to the site;
 - (d) details of any proposed alterations in existing ground levels, and of the position of any proposed elevation, within the crown spread of any retained tree or of any tree on land adjacent to the site or within 5 metres of any retained hedge;
 - (e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or hedge from damage before or during the course of development;
 - (f) the plans and particulars submitted shall include details of the size, species, and positions or density of all trees or hedges to be planted, and the proposed time of planting.In this condition 'retained tree or hedge' means an existing tree or hedge which is to be retained in accordance with the plans referred to in paragraph (a) above.

REASON: The landscaping of the site is required in order to reduce the visual impact and enhance the appearance of the development hereby permitted.

6. The plans and particulars submitted in accordance with condition 1 above shall include full details of both hard and soft landscape works. The landscaping details to be submitted shall include:-
- a) proposed finished levels
 - b) means of enclosure
 - c) car parking layout
 - d) vehicle and pedestrian access and circulation areas
 - e) hard surfacing, other hard landscape features and materials
 - f) existing trees, hedges or other soft features to be retained
 - g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
 - h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
 - i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
 - j) location of service runs
 - k) management and maintenance details

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted.

7. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall 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 shall 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 shall 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 proper implementation of the agreed landscape details in the interest of the amenity value of the development.

8. The landscaping scheme shall consist of suitable species for the locality with a preference for native species in accordance with the reasonable requirements of the local planning authority. Details of species, sizes, planting centres, number and percentage mix shall be submitted to and be approved in writing by the local planning authority before commencement of development, the approved details shall be implemented in the first planting and seeding season 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 shall 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.

REASON: To ensure that the long-term health and species rich nature of the existing landscape features within and adjoining the site are consolidated and maintained free of invasive or alien species in accordance with the policy for nature conservation in the Local Plan.

9. The plans and particulars submitted in accordance with condition 1 above shall be in accordance with the Design Code as set out in pages 21-30 of the Design and Access Statement dated March 2011.

REASON: To ensure a high quality design which minimises the impact on the character of the area, draws on the local vernacular in accordance with ULP Policy GEN2 and the Thaxted Design Statement.

10. Before development commences samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the

approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity.

11. The plans and particulars submitted in accordance with condition 1 above shall include details as to how the proposed dwellings would be constructed so as to provide sound attenuation of not less than 28dB(A) against the external noise to which they will be exposed.

REASON: To ensure a satisfactory living environment for the occupiers.

12. The plans and particulars submitted in accordance with condition 1 above shall include details as to how the proposed dwellings as designed, specified and built shall achieve a 'Code for Sustainable Homes' rating of 'Level 3'. The details to be submitted will include a Code for Sustainable Homes design-stage assessment of the rating of the proposed development, carried out by an accredited assessor. The developer will provide a Code for Sustainable Homes post-construction assessment of the rating of the as-built development within four weeks following its completion, also carried out by an accredited assessor.

REASON: In the interests of the promotion of sustainable forms of development and construction to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy Adopted October 2007.

13. The applicant shall incorporate on-site renewable or low-carbon energy technologies to provide 10% of the annual energy needs of the approved development in-use.

The plans and particulars submitted in accordance with condition 1 above shall include details of a design SAP or SBEM rating of the proposed development carried out by an accredited assessor, as well as technical details and estimated annual energy production of the proposed renewable or low carbon technologies to be installed.

Within four weeks following its completion, the applicant will provide a SAP or SBEM rating of the as-built development and details of the renewable or low carbon technologies that were installed.

REASON: In the interests of the promotion of sustainable forms of development and construction

14. The plans and particulars submitted in accordance with condition 1 above shall include details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved by the local planning authority. This should include provision for the storage of three standard sized wheeled bins for each new property with a collection point no further than 25 metres from the public highway. Where the refuse collection vehicle is required to go onto any road that road shall be constructed to take a load of 26 tonnes. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units to which they relate and shall be retained in the approved form thereafter.

REASON: To meet the District Council requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability.

15. The plans and particulars submitted in accordance with condition 1 above shall include a further ecological survey of the site to update the information on the species and the impact of development and the survey, together with an amended mitigation strategy as appropriate. The mitigation strategy shall be thereafter be implemented as agreed.

REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern.

16. The plans and particulars submitted in accordance with condition 1 above shall include an accessibility statement/drawing. The details submitted shall set out measures to ensure that the building is accessible to all sectors of the community. The buildings shall be designed as 'Lifetime Homes' and shall be adaptable for wheelchair use. All the measures that are approved shall be incorporated in the development before occupation.

REASON: To ensure that the district's housing stock is accessible to all and to meet the requirements contained in adopted SPD Accessible Homes and Playspace Adopted November 2005.

17. The plans and particulars submitted in accordance with condition 1 above shall demonstrate how the permitted development will achieve Secured by Design certification. The details submitted shall cover the seven attributes of the Safer Places document.
REASON: To ensure a satisfactory form of design where the potential for crime or fear of crime is reduced in accordance with ULP Policy GEN2.
18. The plans and particulars submitted in accordance with condition 1 above shall include details of the surface water drainage works. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment shall be provided to the local planning authority. Where a sustainable drainage system is to be provided, the submitted details shall:
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and
 - iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- REASON: To control the risk of flooding to the development and adjoining land.
19. Prior to the commencement of the development hereby permitted the developer shall submit details showing the provision of:
- a. adequate turning and off loading facilities for delivery /construction vehicles within the limits of the site
 - b. an appropriate construction access
 - c. an adequate parking area clear of the highway for those employed in developing the site
 - d. wheel/chassis cleaning facilities
 - e. a “before” condition survey of Wedow Road to be undertaken by the developer/contractor with the Highway Authority present, to ensure any damage occurring to the road as a result of construction traffic during development is made good. This shall be followed up with an “after” condition survey following completion of construction and any identified damage to be made good. Details of how and when the surveys are to be undertaken to be submitted to and agreed in writing with the Local Planning Authority and implemented.
- The aforementioned provisions shall be provided at commencement of development and maintained during the period of construction.
The details shall be submitted to and agreed in writing with the Local Planning Authority and subsequently implemented as approved.
REASON: In the interests of highway safety
20. The plans and particulars submitted in accordance with condition 1 above shall include details showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety
21. The plans and particulars submitted in accordance with condition 1 above shall include details of the estate roads and footways to accord with the Essex Design Guide (including layout, levels, gradients, surfacing and means of surface water drainage). The details shall be implemented as approved.
REASON: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.
22. The plans and particulars submitted in accordance with condition 1 above shall include details of the parking provision for cars, cycles and powered two wheelers in accordance with the requirements of the Parking Standards Design and Good Practice guide dated September 2009 unless otherwise agreed by the Local Planning Authority. The details shall be implemented as approved.

REASON: In the interests of highway safety, efficiency and accessibility

23. The plans and particulars submitted in accordance with condition 1 above shall include a scheme for water efficiency within the development. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and prudent use of natural resources.

24. The plans and particulars submitted in accordance with condition 1 above shall include a scheme for the provision and implementation of energy and resource efficiency, during the construction and operational phases of the development. The scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.

REASON: To enhance the sustainability of the development through better use of energy and materials.

25. No development or preliminary ground works of any kind shall take place until the applicant has secured and undertaken a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant, and approved and monitored by the planning authority.

REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation.

26. No demolition or construction work relating to this permission shall be carried out nor machinery operated on, nor materials be delivered to the site at any time on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 08.00 and 18.00 on Mondays to Fridays and between the hours of 08.00 to 13.00 on Saturdays.

REASON: To safeguard the amenities of the occupiers of neighbouring properties.

27. All vehicular access to the development shall be via Wedow Road.

REASON: In the interests of highway safety, efficiency and accessibility.

28. The public's rights and ease of passage over the public rights of way within the site boundary shall be maintained free and obstructed at all time. Details of how this will be achieved shall be submitted to and approved in writing by the local planning authority and subsequently implemented as approved.

REASON: To ensure the continued safe passage of the public on the definitive rights of way and in the interests of accessibility.

29. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.

30. The reserved matters application shall contain details of the mix of house sizes for written approval. The mix shall provide a significant proportion of small two and three bedroom homes. The development shall be carried out in accordance with the approved mix unless otherwise agreed in writing by the local planning authority.

Reason: To meet the requirements of housing mix in Policy H10.



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