

**UTT/12/5754/FUL (THAXTED)**

**PROPOSAL:** Development scheme of 60 dwellings together with new access, associated car parking, landscaping and open space.

**LOCATION:** Land south of Sampford Road, Thaxted

**APPLICANT:** Knight Developments

**AGENT:** ASP

**GRID REFERENCE:**

**EXPIRY DATE:** 11/02/2013

**CASE OFFICER:** Consultant (Alison Hutchinson)

**APPLICATION TYPE:** MAJOR

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**1. NOTATION**

1.1 Outside development limits; within BAA Safeguarding and Stansted Airport LEQ.

**2. DESCRIPTION OF SITE**

2.1 The site comprises 5.27ha and occupies a roughly rectangular area of open land to the south of Sampford Road on the north eastern edge of Thaxted. The site forms part of a larger agricultural field with the eastern boundary of the site currently undefined. The northern frontage of the site extends along a section of Sampford Road.

2.2 To the west the site extends along the rear boundaries of the properties on Bellrope Meadow with Geulph's Lane at the southeastern corner. To the south the site is bounded by open land.

**3. PROPOSAL**

3.1 The application proposes a residential development of some 60 dwellings to be served from a new access off Sampford Road. The proposed development will provide a mix of units of 1 to 5 bedroom dwellings with gardens and parking. The scheme incorporates 23 affordable dwellings (38%). The properties combine a mix of single and two storey dwellings and will be built in a range of materials characteristic of the area, including brickwork and render with pitched roofs in slate or tile. The dwellings are mostly located on either side of a central spine road with a further group of dwellings served by a separate 'lane'. A small courtyard will also provide a footpath/cycleway link to Sampford Road with a further footpath/cycleway leading to the south of the development. The dwellings are served by garages attached to the property or by off road parking which is located near to the property.

3.2 The affordable housing provision comprises 38% and is just short of the Council's requirement of 40%. The mix comprises 2, 3 and 4 bed houses and smaller 1 bed bungalows.

3.3 The proposal includes a substantial landscaped area to the north of the development and a 20m wide (minimum) swathe along the eastern boundary. An area is to be set aside for allotments within the south western corner of the site and will include 4 car parking spaces to serve the allotments.

3.4 A pumping station and compound is to be provided to the south of the site.

#### **4. APPLICANT'S CASE**

4.1 Land at Sampford Road was considered to be deliverable and achievable for residential development in the Uttlesford District Council Strategic Housing Land Availability Assessment (SHLAA) exercise in 2008. The site was included in the Role of Settlements and Site Allocations' Development Plan Document (DPD) and the site is now allocated in the draft Uttlesford Local Plan for 60 dwellings, the preparation of which has been in consultation with the community.

4.2 The application proposals and detailed design have been prepared in consultation with Uttlesford District Council, Thaxted Parish Council and local residents through two public consultation events; the full details of which are contained in the accompanying Statement of Community Involvement.

4.3 The key features of the scheme have evolved from local feedback and the requirements for Thaxted as a whole to include:

- 60 high quality 1-5 bedroom dwellings with large gardens and ample car parking.
- A range of affordable dwellings of various sizes located throughout the development that will be managed by a Registered Social Landlord (RSL).
- A significant area of public open space to the eastern and southern parts of the site (to be gifted to Thaxted Parish Council for future public use together with a contribution to future maintenance). This area will create a soft edge to the development and introduction to the town when approaching from the east as well as creating a physical restraint on the extent of the development site.
- Provision of 765 m<sup>2</sup> of allotments (forming approximately 7 full size plots).
- Detailed and thorough surface and foul water strategies described in the accompanying Foul, Surface Water Drainage and SUDS Strategy. Existing surface water and that created by the development are dealt with through appropriate attenuation and a pumping station is provided for the management of foul drainage.
- A footpath and cycle way link connecting the development to the centre of Thaxted and creating access to the open space provided for residents.
- A reduction in the speed limit on Sampford Road to 30mph to improve road safety, detailed in the accompanying Transport Statement.

The application is also supported by the following documents:

Foul, Surface Water Drainage & SUDS Strategy  
Phase 1 Habitat Survey  
Flood Risk Assessment  
Transport Statement  
Landscape Details  
Aircraft Noise Assessment  
Site Waste Management Plan  
Sustainable Construction Pre-App Checklist  
Statement of Community Involvement

## **5. RELEVANT SITE HISTORY**

5.1 The site has no planning history.

## **6. POLICIES**

### **6.1 National Policies**

- The National Planning Policy Framework (NPPF)

### **6.2 Uttlesford District Local Plan 2005**

- Policy S3 Other Development Limits
- Policy S7 The Countryside
- Policy GEN1 Access
- Policy GEN2 Design
- Policy GEN3 Flood Protection
- Policy GEN6 Infrastructure Provision to Support Development
- Policy GEN7 Nature Conservation
- Policy GEN8 Vehicle Parking Standards
- Policy ENV4 Ancient monuments and Sites of Archaeological Importance
- Policy ENV5 Protection of Agricultural Land
- Policy ENV10 Noise Sensitive Development and Disturbance from Aircraft
- Policy H3 New Houses within Development limits
- Policy H9 Affordable Housing
- Policy H10 Housing mix

### **6.5 Supplementary Planning Documents**

- Parking Standards: Design and Good Practice
- Accessible homes and play space (Nov 2005)
- Energy Efficiency and Renewable Energy (October 2007)

## **7. THAXTED PARISH COUNCIL'S COMMENTS**

Object; The Council is familiar with the pre-planning hydraulic study (October 2012) prepared by Anglian Water (AW) and has met with AW to discuss the findings of the study. The study has established that the tributary drains to the main sewer are prone to blockages due to their shallow gradient and the Council understands that AW are committed to carrying out an improved programmed of Planned Preventative Maintenance to tackle the blockages although the local manager is unaware of the identification of this problem or of any improvement programme. The Council is mindful of several flooding incidents experienced in the lower part of the town involving raw sewage.

The Council has serious concerns regarding the disposal of surface water and the increased risk of flooding, particularly in the lower part of the Thaxted. The Council disagrees with AW that flood volumes are considered an acceptable risk and that the capacity of the sewage network is sufficient and does not consider that residents should be exposed to an identified increase in flood risk.

The Council notes and supports the comments made by ECC in December 2012 regarding the educational provision and school transport. It is understood that there is insufficient capacity to meet the needs of children of the breadth of age range likely

to be produced from the proposed development. Additional school transport will need to be provided. This is contrary to sustainability policies and is also contrary to earlier comments by ECC in the June 2012 Sustainability Appraisal and Strategic Environmental Assessment which says that local primary schools should have adequate capacity to accommodate the additional dwellings.

The Council maintains grave concerns about the combined impact of this proposals and the impending development of 55 new homes at Wedow Road. The above issues can only be exacerbated by development of this scale in the town which will equate to an increase in households of around 10%.

The Council requests that a dedicated right hand turning lane is provided on Sampford Road to serve the new development. The Council is aware of one accident and several near misses involving vehicles overtaking whilst residents are turning into Bellrope Meadow.

## 8. CONSULTATIONS

Highways Authority (Essex County Council): No objections subject to conditions relating to the submission of details relating to new roads.

Environment Agency: Minded to object to this application as submitted because the proposed development involves a connection to the main foul sewerage system which would pose an unacceptable risk of pollution to surface water quality and the EA recommend that planning permission should be refused on that basis. Anglian Water Services Ltd (AWS Ltd) have confirmed that due to issues regarding the verification of the measured flows at the sewage treatment works, they consider there is no headroom at the works until verification is obtained. As such it is considered that there is no available capacity. Should AWS Ltd confirm that there is capacity then EA would reconsider their position.

With regard to foul water disposal and water quality, the EA comment that the applicants have not addressed capacity issues and solutions at the receiving sewage treatment works at Great Easton. The EA refer to uncertainties in respect of the capacity of the works to receive the foul flows that will be generated by this development and that as the flow meter at the sewage works may not be recording flows properly, it is not possible to confirm whether there is capacity at the works to receive the additional flows and therefore whether a new flow permit will be required to accommodate the growth. Should a new flow permit be required, the EA consider that the Council's recently completed Water Cycle Study indicates that these new quality permits may need to be beyond what is currently regarded as the economic limit of technology in order to meet the objectives of the Water Framework Directive and may bring into question the deliverability of the improvements at the works and hence the development.

The EA has confirmed that the flood risk Assessment submitted with the application demonstrates that flood risk, both on and off site is not increased and that a condition should be attached requiring the implementation of an acceptable surface water drainage scheme for the site.

Anglian Water: No comments received on the application.

Education Authority (Essex County Council - School Organisation and Planning): There is sufficient early years and childcare and provision to meet the needs of the development. However, it is envisaged that Thaxted Primary School will be at capacity by 2017 and a contribution will therefore be required to provide additional places at the school. Similarly, a contribution will be required for additional places at the Helena Romanes School which combined with the primary contribution

totals £343,893. A contribution for bus transport is also sought. The LEA therefore requests that any planning permission is granted subject to a Section 106 Agreement to mitigate the development's impact upon education.

Essex County Council - Archaeology: Recommends conditions to be imposed requiring archaeological investigations.

Natural England: No objections raised.

## **9. REPRESENTATIONS**

9.1 15 letters have been received from residents and Friends of the Earth and object to the development for the following reasons:

- The draft local plan has not been adopted and therefore decisions should be based upon the 2005 adopted Local Plan. The application provides no justification for the development in advance of the adoption of the emerging Local Plan.
- The site is outside the development limits of Thaxted.
- Detrimental impact upon the character of the town of Thaxted when approaching the town.
- The development will block views of the church.
- Contrary to the Thaxted Design Statement
- Local facilities such as the schools and doctors' surgery are already overstretched and do not have capacity to accommodate the additional development.
- Contrary to the NPPF in that the town is not in a sustainable location for jobs, railways, main roads and motorways and has limited public transport.
- The sewage system serving Thaxted is already at capacity and cannot cope with the additional development.
- The application is different to the earlier consultation proposals which proposed an on-site treatment plant rather than a pumping station.
- The site experiences problems of noise from aircraft approaching Stansted.
- Loss of high quality agricultural land.
- Loss of privacy and light for existing properties, partly because of the difference in levels and also from the proximity of the properties on Bellrope Meadow to the boundary with the site.
- Increased pedestrian movements through Bellrope Meadow to the recreation ground.
- Limited parking is proposed leading to on street parking, detrimental to emergency routes and safety.
- The design is architecturally dull and uninteresting and does not provide a development of sustainable homes that would add to the diversity of the local built environment.
- No consideration has been given to the drainage ditch between the development and the properties on Bellrope Meadow.
- The application is contrary to Policies S3, S7, GEN1 of the 2005 Local Plan together with the Thaxted Local Policies and the NPPF.
- There is inconsistency in the way the site is identified by the Council in its emerging policy documents and in particular the SHLAA states that the applicant site is unsuitable for development.

## **10. APPRAISAL**

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

- A. The principle of development of this site for residential development (ULP Policies S3, S7, S8 and GEN2)
- B. Design of the Proposals and whether proposal would adversely affect the amenity values of future and neighbouring residents (ULP Policies GEN2& ENV10).
- C. Mix of Housing and Affordable Housing (ULP Policies H9 and H10)
- D. Access to the site and parking provision (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies, adopted by Essex County Council February 2011 and adopted by Uttlesford District Council 17 March 2011)
- E. Drainage and Flooding (ULP Policy GEN3 and GEN6)
- F. Other material considerations

**A. The principle of redevelopment of this site for residential development (ULP Policies S3, S7, H8 and GEN2)**

- 10.2 The application site is located outside the development limits of Thaxted and adjoins the area identified on the Proposals Map as Thaxted Local Policy 2 – Land Adjacent to Sampford Road which was proposed and has been developed for homeworking units. The current application proposal would extend Thaxted eastwards into open countryside. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence, the proposal is contrary to Policy S3 and S7 of the 2005 Local Plan.

The Parish Council and many of the third party objectors also consider that the development is contrary to the Thaxted Design Statement (2010) which advises that any new housing should be limited to infill or small clusters and refers to strong local opposition to the construction of further estates.

The 2010 Thaxted Design Statement forms a supplementary planning document but the Council is now in the process of preparing the Local Plan 2013 to 2028 which will inform development for the period and will identify development sites to accommodate the growth that is needed within the District. The application site is identified as the only proposed development site in Thaxted in the Draft Local Plan 2012 under Thaxted Policy 1 – Sampford Road for an allocation for a minimum of 60 residential dwellings and providing for a mixed and balanced community and combining allotments and open/play space.

The Draft Local Plan is at an early stage in its preparation with the consultation on proposals having taken place in June 2012 with a further pre-submission consultation yet to take place in January/February 2013 with the aim of having the plan adopted early 2014. As a consequence, the sites identified have not yet been through the full consultation process and approval of sites identified in the Draft Local Plan may be regarded as being premature. However, Government advice in the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five year supply of deliverable sites.

At present, Uttlesford cannot demonstrate an adequate 5 year supply of housing land and can only achieve 81% of its five year housing land supply, when according to the NPPF it should be achieving at least 105%, and even arguably 120% if the Council is found to be consistently underperforming in terms of housing land supply. The Council recognizes in the Annual Monitoring Report, that it should consider

favourably applications for residential development which will have make a positive contribution towards meeting housing requirements and the Council's LDF Working Group agreed that the Council should take a proactive approach releasing appropriate sites.

The most recent Annual Monitoring Report (2012) records the average annual completion rate of to be 334 dwellings, compared with the average annual completion rate required by the East of England plan of 430 dwellings. The current level of delivery on deliverable sites for the 5-year period is therefore 78% which equates to 3.9 years worth of supply. When an additional 20% is frontloaded to these figures as required by the NPPF for under delivering authorities, the percentage of the plan target on deliverable sites falls to 65% which is equivalent to just under 3 years' worth of supply. If the proposed sites identified in the Draft Local Plan June 2012 are taken into account, Uttlesford District Council's target on deliverable sites for the 5 year period is 147%, the equivalent to 7.4 years' worth of supply. The application site is identified for potential development in the future and is therefore envisaged to contribute to the housing land supply.

Bearing in mind that the Council cannot show a five year supply of housing land and that the application site performed relatively well in the Strategic Housing Land Availability Assessment (SHLAA) and is available for development, it is considered that the bringing forward of this site at this stage would be in accordance with the guidance contained in the NPPF and would contribute towards the Council's 5 year housing land supply.

In terms of sustainability, the Transport Statement demonstrates that Thaxted is served by existing bus routes that give access to Stansted Airport, Bishops Stortford, and Saffron Walden but there is no access for train transport. It is also proposed that the site will provide access for pedestrians and cyclist via Sampford Road and by a link to the south which would be secured by legal agreement. The town of Thaxted is also relatively well served with facilities, many of which are within walking distance of the application site and development of the site would allow residents to access facilities by means other than the motor car.

The sustainability of the site allocations is set out in the Sustainability Appraisal of Proposals for a Draft Local Plan June 2012 where each site is appraised against the objectives published within the SA Scoping Report October 2011. The Appraisal highlights that the application site has some negative impacts including the loss of high quality agricultural land, its location on a plateau and aircraft noise but its overall score ranks similar to other selected sites and the site provides the only site proposed for development at Thaxted in the emerging Local Plan. Mitigation measures and criteria set out within the emerging draft local policy seek to overcome the negative impacts and are incorporated within the application proposals. These include a large area of open space which will effectively form a landscaped buffer between the open countryside and the new dwellings. At present, the dwellings on Bellrope Meadow form a hard edge to this part of Thaxted due to their size and small rear gardens which provide no opportunity for landscaping to soften the buildings. The proposed landscape buffer will allow tree planting to take place and will help to soften the edge of this part of the town from outside views.

In these circumstances and in view of the Council's lack of a 5 year housing land supply, it is considered that an exception can be made in this instance in respect of Policy S7 of the 2005 Local Plan and that planning permission should be granted and the site brought forward for development in advance of the adoption of the future Local Plan.

**B. Design of the Proposals and whether the proposals would adversely affect the amenity values of future and neighbouring residents (ULP Policies GEN2).**

Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale form, layout and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate. Furthermore, development should not have a materially adverse effect on the reasonable occupation and enjoyment of residential properties as a result of loss of privacy, loss of daylight, overbearing or overshadowing.

The application site is currently agricultural land which sits alongside existing development at Bellrope Meadow. The dwellings along the eastern side of Bellrope Meadow are all substantial dwellings built as work place homes and are all constructed with very limited back gardens, some as short as 4metres. The proposed dwellings incorporate substantially longer gardens where they back onto Bellrope Meadow providing the minimum back to back distance of 28m but with most providing between 30m to 40m between rear elevations of properties. Only Plot 57 is set closer to Bellrope Meadow, a bungalow where its side elevation faces the property on Bellrope Meadow. That elevation contains no windows and it is considered that there would be no problems of overlooking or loss of privacy for any of the existing or future residents.

The existing hedgerow along the common boundary would be retained but there are few trees along this boundary that are within the application site. It is proposed that additional tree planting would be provided but that this will mainly be targeted towards the area of open space to the east and north. A 1.2m post and rail fence will define the eastern boundary of the site but no hedge planting is proposed along this boundary. It is considered that this could be conditioned to ensure a permanent and softer edge to the eastern boundary of Thaxted.

The development is based around a central spine road with a small cul de sac off and a 'lane' which will form a loop giving access to additional dwellings on the eastern side of the development. Four semi-detached dwellings are to be located facing onto Sampford Road with the remainder of the development arranged along the access road and along the 'lane'. The properties vary between detached and semi-detached and are predominantly 2 storey in height although 7 of the dwellings are proposed as bungalows. The properties incorporate a range of styles and materials with brick and render, slate and tile which reflect the materials characteristic of the area. The development does not include two and a half storey dwellings as found on the adjoining site and it is considered that the proposed layout and the two and single storey buildings will provide a more transitional and looser character between the more urban development to the west and the open countryside to the east. The design of the development is acceptable and is in keeping with other development in the area. Furthermore, the proposed layout will ensure that the new residents have an acceptable level of amenity and privacy and the proposals are in accordance with Policy GEN2 of the Local Plan.

The SHLAA identified that the site is subject to aircraft noise as a result of the proximity and location of Stansted Airport and therefore an Aircraft Noise Survey has been submitted by the applicants. The Report confirms that although PPG24 on Noise has been withdrawn, no alternative guidance has replaced it and the guidance contained in the PPG is therefore still relevant and has been used as the basis for the report's findings. The noise report concludes that the site has been categorised



into day time PPG 24 NEC's based on the 2015 Base Case Summer Average day noise contours presented within the BAA planning application for Generation 2: Environmental Statement Volume 3 on Air Noise. At night the Site has been categorised into PPG 24 NEC's based on the DefraL night noise maps produced under the Environmental Noise Regulations (England 2006). On this basis, it has been determined that the Site falls within PPG 24 NEC B during the day and night.

The advice to LPAs for sites falling within NEC B was that "Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise."

The assessment concludes that the Site is suitable for residential development, subject to the implementation of appropriate mitigation such as the incorporation of appropriate sound insulation to the building envelope constructions and the provision of suitably specified sound attenuated mechanical ventilation for bedrooms of houses between the LAeq,8h 50 dB and 55 dB contours. These requirements can be conditioned and it is considered that the development of this site is acceptable and would not lead to an unacceptable lack of amenity for future residents as a result of aircraft noise. The application is therefore in compliance with Policy ENV10 of the Local Plan.

#### **C Mix of Housing and Affordable Housing (ULP Policies H9 and H10)**

Policy H9 requires that 40% affordable housing is provided on sites having regard to market and site conditions. In this instance, the affordable housing requirement would be some 24 units. The plans show 23 affordable units comprising 5 x 1 bedroom, 1 x 2 bed, 12 x 3 bed and 3 x 4 bedroom dwellings and 2 x 2 bedroom flats. The affordable units are shown to be in four groups within the development. The design, layout and amount of the affordable units within the development are considered to be acceptable and generally in accordance with Policy H9 of the Local Plan and their provision would be subject to a Section 106 Agreement.

The development as a whole comprises a mix of 2, 3, 4 and 5 bedroomed dwellings together with the 1 bedroomed affordable units and provides an acceptable mix of dwellings on this site. As such the application proposals comply with Policy H10 of the Local Plan.

#### **D Access to the site and parking provision (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies, adopted by Essex County Council February 2011 and adopted by Uttlesford District Council 17 March 2011)**

Access to the development is proposed from Sampford Road (B1051) and will incorporate a simple priority junction.

The concerns of the Parish Council regarding the access and the need for a right turning lane sight lines are noted. At this point, Sampford Road is subject to the national speed limit and the applicants propose a 30mph speed limit which would be more appropriate bearing in mind the proximity of the proposed access and that serving Bellrope Meadow to the junction with Walden Road. The Highway Authority has no objections to the proposals but it would not be possible to condition the implementation of a 30mph limit. The Transport Statement shows that flows along Sampford Road are relatively low and there are no capacity concerns associated with this scale of development and therefore, that the proposal for a simple priority junction is adequate.

The submitted plans show a footpath/cycleway along the frontage of the site linking up with the existing footpath that runs along the southern side of Sampford Road. A further footpath/cycleway is proposed extending up to the southern boundary of the site and thereafter over the County Council's land where it would link into The Mead. This will provide a link for residents into the town centre and to the recreation ground and its provision is to be subject to a Section 106 Agreement.

In terms of parking, adequate parking provision is shown on the plans in accordance with the parking standards and with parking spaces adjacent to the dwellings they are intended to serve. Garage courts are not proposed and the application is considered to be in accordance with Policies GEN1 and GEN8 of the Local Plan.

## **E Drainage and Flooding (ULP Policy GEN3 and GEN6)**

Concerns have been expressed by both the Parish Council and third parties about the capacity of the existing sewage treatment works at Great Easton and the problems of flooding from foul and surface water. The EA have also raised concerns as it believes that the sewage works is at capacity and therefore cannot accommodate the proposed development.

Anglian Water Services prepared a pre-planning report in March 2012 which stated that the development could lead to risk of flooding and that Anglian Water would need to undertake further work to provide a viable solution for draining the site. A Pre-Planning Addendum Report was subsequently published in October 2012 which considered the impact of the 60 dwellings on the current application site on the existing sewerage network. The study concluded that *'the sewer system does have capacity to accommodate the development and will not cause any significant detriment to the capacity of the sewer system'*.

During the pre-application consultations, the applicants had incorporated an on-site treatment works but this was changed to a pumping station in accordance with the advice of Anglian Water. The October 2012 report recommends that *'the proposed development is connected to the existing sewerage network via a manhole on Bellrope Meadow via an on site pumping station and rising main. The model does predict slight increase in flooding within permissible detriment as a result of connecting the proposed development. It is therefore considered that the existing system has sufficient capacity to accommodate the proposed development to manhole TL61311700 located along Bellrope Meadow without the need for off site reinforcement.'*

The applicants have submitted a Flood Risk Assessment and a Foul, Surface Water Drainage & SUDS Strategy. The former confirms that the site is located within Flood Zone 1 on the Environment Agency Flood Zone Maps and that the proposed residential development is at a low risk of flooding and is acceptable. The second report confirms that due to the nature of the soils in the area it is not possible to drain surface water run-off to soakaways and therefore, a combination of source control methods and traditional drainage systems with attenuated flows will be required. The proposal therefore incorporates SUDS measures, including rainwater harvesting, permeable paving/surfaces and sub surface storage.

In addition, the report recommends that at the detailed design stage, consideration is given to providing additional attenuation in the southeast of the site in order to attenuate additional runoff. This would assist the Council's own target of reducing peak flows within the area proposals with particular reference to the drainage ditch

adjacent to the lower eastern site boundary which has flooded a number of properties on Copthall Lane on several occasions in the past.

The drainage proposals for the development are considered acceptable and in accordance with the advice provided by Anglian Water in respect of the foul drainage for the site. Similarly, the surface water drainage proposals demonstrate that flood risk, both on and off site is not increased and can be conditioned. The proposal is therefore considered to be in accordance with Policy GEN3 and GEN6 of the Local Plan.

## **F Other material considerations**

The residential development of this site would increase the pressure on local education facilities. In order to off-set this pressure a financial contribution of £343,893 is sought by Essex County Council towards the provision of additional places at Thaxted Primary School and the Helena Romanes School and would be subject to a Section 106 Agreement.

A Phase 1 biodiversity study has been carried out and confirmed that there are no protected species within the site and that the proposals provide an opportunity for on-site biodiversity enhancement.

The Historic Environment Record shows that the proposed development lies immediately adjacent to a known multi-period site containing a wide range of features and deposits dating from the late Iron Age through to the medieval period. Excavation under the Bellrope Meadow development also revealed evidence of archaeological interest and it is considered therefore that conditions should be attached requiring a programme of Trial trenching and excavation prior to the commencement of development.

It is considered that there are no other material considerations.

## **11. CONCLUSION**

Although the application site is located outside the development limits of Thaxted, it is considered that, in view of the Council's lack of a 5 year housing land supply and the contribution that this site could make to that supply together with the provision of affordable housing, an exception can be made in this instance in respect of Policy S7 of the 2005 Local Plan. It is considered that planning permission should be granted and the site brought forward for development in advance of the adoption of the future Local Plan. The proposed development is acceptable in all other respects and accords with the policies of the Development Plan and the NPPF.

## **RECOMMENDATION –CONDITIONAL APPROVALSUBJECT TO S106 LEGAL OBLIGATION**

(I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph II unless by 7 February 2013 the freehold owners enter 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 agreement to secure the following:

- (i) Pro-rata uplift in the community payment for education of £343,893 to provide additional primary school places.
- (ii) Provision of 23 units for affordable housing
- (iii) The provision and future maintenance of the public open space and the allotments.
- (iv) Construction and provision of footpaths and cycleways
- (v) Pay Council's reasonable costs.

(II) In the event of such an amended agreement being made, the Assistant Director of Planning and Building Control shall be authorised to grant permission subject to the conditions set out below.

(III) If the freehold owners shall fail to enter into such an Agreement, the Assistant Director of Planning and Building Control shall be authorised to refuse permission for the following reasons:

- (vi) No uplifted community payment
- (vii) No provision of affordable housing
- (viii) Lack of provision of open space and allotments
- (ix) Lack of footpath and cycleways linking the development to the settlement.

## **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. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule below (See end of Report)  
REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.
3. Prior to the erection of the development hereby approved (not including footings and foundations) samples of the 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. Development shall be carried out in accordance with the approved details.  
REASON: In the interests of the appearance of the development in accordance with Policy GEN2 and ENV1 of the Uttlesford Local Plan (adopted 2005).
4. No development shall take place until full details of all garages and cycle stores have been submitted to and approved in writing by the Local Planning Authority. The buildings and structures shall be constructed as approved.  
REASON: In the interests of the appearance of the development in accordance with Policy GEN2 and ENV1 of the Uttlesford Local Plan (adopted 2005).
5. No dwelling hereby permitted shall be occupied unless it has been constructed incorporating the sound insulation measures recommended in the submitted Aircraft Noise Assessment Report dated 4 October 2012 and prepared by WSP Acoustics.  
REASON: The site lies within the area seriously affected by noise from aircraft using Stansted Airport and sound insulation is necessary for the amenity of users in

accordance with Policies GEN2, GEN4, ENV10 and ENV11 of the Uttlesford Local Plan (adopted 2005).

6. No development shall take place until full details of the pumping station and compound have been submitted to and approved in writing by the Local Planning Authority. The pumping station and compound will be constructed and be ready for use prior to the occupation of the first dwelling.  
REASON: To ensure that adequate foul drainage is available for the development in accordance with Policy GEN3 and GEN6 of the Uttlesford Local Plan (adopted 2005).
7. Prior to the erection of the development hereby approved full details of hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - i. proposed finished levels or contours of the landscaped areas;
  - ii. proposed ground floor levels of the dwellings;
  - iii. means of enclosure and boundary treatments;
  - iv. hard surfacing materials;
  - v. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, Street Lighting, etc.);
  - vi. proposed and existing functional services above and below ground (e.g. drainage, power),
  - vii. communications cables, pipelines etc. indicating lines, manholes, supports.).

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, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

8. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any dwelling is occupied or in accordance with a programme agreed with the Local Planning Authority.  
REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).
9. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority before occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.  
REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).
10. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from construction works.

REASON: In the interests of the amenity of surrounding residential premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

11. The dwellings shall achieve Level 3 of the 'Code for Sustainable Homes'. No dwelling shall be occupied until the final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.  
REASON: In the interests of the promotion of sustainable forms of development and construction and to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy adopted October 2007.
12. No building shall be occupied until works for the drainage/ sewage disposal works have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.  
REASON: To ensure suitable drainage for the development, in accordance with Policy GEN2 Uttlesford Local Plan (adopted 2005).
13. No development shall take place until a surface water drainage scheme for the site, based upon sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development as highlighted in the supporting Flood Risk Assessment (FRA), dated August 2012 completed by Capita Symonds, including the supporting surface water drainage calculations and Sustainable Drainage Strategy dated April 2012 in the FRA has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion, the detailed plans of SUDs devices included once the finalised drainage scheme has been drawn up.  
REASON: To prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system in accordance with Policy GEN2, GEN3 and GEN6 of the Uttlesford Local Plan (adopted 2005).
14. No development shall commence until a scheme of biodiversity enhancement has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any dwelling or such other timetable as has been agreed in writing with the Local Planning Authority.  
REASON: In the interest of the enhancement of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).
15. Prior to the commencement of development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. 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 in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

16. Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.  
REASON: To ensure roads/footways are constructed to an appropriate standard in the interests of highways safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005)
17. The carriageway of the proposed estate road shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or mews) from occupation of such dwelling.  
REASON: To ensure roads/footways are constructed to an appropriate standard in the interests of highways safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).
18. No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the Local Planning Authority following the completion of the work.  
REASON: The Essex Historic Environment Record shows that the proposed development lies immediately adjacent to known extensive archaeology deposits and further investigation of the site is required in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
19. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the Local Planning Authority through its historic environment advisors.  
REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).
20. The applicants will submit to the Local Planning Authority a post-excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Local Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.  
REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).