

UTT/15/2632/DFO ELSENHAM

MAJOR APPLICATION

PROPOSAL: Details following outline application UTT/1790/OP (erection of up to 165 dwellings with associated parking, landscaping and open space) – details of appearance, layout scale and landscaping.

LOCATION: Land South of Stansted Road, Elsenham.

APPLICANT: Crest Nicholson

EXPIRY DATE: 1 December 2015

CASE OFFICER: Lindsay Trevillian

1. NOTATION

1.1 Outside development limits, Countryside Protection Zone.

2. DESCRIPTION OF SITE

- 2.1 The application site as outline in red on the submitted location plan is located on the southern side of Stansted Road on the south western edge of the village of Elsenham. The site itself is generally rectangular in shape covering three distinct fields over an area of approximately 12.5 hectares. It has a significant drop in gradient that slopes away from the northern front boundary along Stansted Road towards the southern rear boundary. The differentiation in site levels is more prominent on the western part of the site.
- 2.2 The site extends around 'Old Mil Farm' which is setback on the southern side of Stansted Road. The site is bounded by the M11 to the west, Stansted Brook and the railway line to the south and residential properties to the east. The western and eastern most parts of the site has direct street frontage to Stansted Road which is defined as the sites northern boundary.
- 2.3 The site currently comprises mainly agricultural land and is relatively open with no established built form. The three fields within the site are largely separated by hedgerows and established mature vegetation bounds the sites perimeter. A public footpath is located within the eastern edge of the site.
- 2.4 The surrounding area is residential and arable in character and the majority of nearby development comprises of one and two storey dwellings. The 'Old Mill Farm' complex is occupied by Globe Engineering Ltd and comprises office and industrial space, together with two private residential dwellings.

3. PROPOSAL

- 3.1 This application relates to the reserved matters following the granting of outline planning permission which was for the erection of up to 165 dwellings, open space and allotments – ref: UTT/13/1790/OP.

- 3.2 Access to the development was approved as part of the outline application and is provided at the north eastern part of the site via Stansted Road. The reserved matters for consideration relates to Appearance, Layout, Scale and Landscaping for the erection of up to 165 dwellings.
- 3.3 The proposed residential mix has been developed to comply with the parameters set by the outline planning permission. The proposal incorporates a range of housing types including one bedroom maisonettes, two and three bedroom bungalows, and two, three, four and five bedroom houses. The proposed residential mix is set out below.

Unit Type	Affordable	Private	Total
1 bedroom maisonettes	16	0	16 (10%)
2 bedroom bungalow	4	0	4 (2%)
2 bedroom house	25	21	46 (28%)
3 bedroom bungalow	0	4	4 (2%)
3 bedroom house	19	36	55 (34%)
4 bedroom house	2	33	35 (21%)
5 bedroom house	0	5	5 (3%)
Total	66 (40%)	99 (60%)	165 (100%)

- 3.5 The dwellings would be predominantly two stories in height although there would also be a limited amount of dwellings extended to two and half stories in height. Building styles within the development would range from terrace style buildings, semi-detached and detached buildings that contain different sizes and scale and have an assorted use of externally finishing materials and detailing. In addition, the provision of eight bungalows has been provided as part of the development. Each of these dwellings within the development has been provided with off street parking spaces and its own private or communal amenity space.
- 3.6 In addition to the proposed housing, the provision of 1 hectare of land to be used for allotments as well as a significant proportion of open space land that includes a trim trail has been allocated to the south west of the developable area.

4. APPLICANT'S CASE

- 4.1 Extensive pre-application meetings with the Local Planning Authority were held in which general advice was taken into consideration regarding the final design and layout of the application.
- 4.2 The applicant has provided a Design and Access Statement and a Planning Statement of Conformity in support of a planning application to illustrate the process that has led to the development proposal, and to explain and justify the proposal in a structured way.

Specifically the statements demonstrate technical issues such as drainage and refuse strategies, noise assessments & mitigation, ecology data as well a detailed landscaping scheme and how the design objectives of the scheme were established in terms of layout and scale.

- 4.3 The applicant considers that the proposed residential scheme accords with policies contained within the Uttlesford District Council's Local Plan as well as the National Planning Policy Framework.

5. RELEVANT SITE HISTORY

- 5.1 UTT/0253/88 – Outline application for residential development on 5.9 hectares for 142 dwellings and construction of new access. (Refused)
- 5.2 UTT/1883/88 - Outline application for residential development on 5.9 hectares for 142 dwellings and construction of new access. (Refused)
- 5.3 UTT/13/1790/OP – Outline application for up to 165 homes, open space and allotments. All matters reserved except access. (Approved with conditions and subject to a S106 Agreement granted December 2013).
- 5.4 UTT/14/3513/DFO - Details following outline application UTT/13/1790/OP (erection of up to 165 homes with associated car parking, landscaping and open space) - details of appearance, layout, scale and landscaping (refused)
- 5.5 The most recent planning application was refused under delegated powers by officers as the submitted noise assessment survey that accompanying the application was both inappropriate and inaccurate in that the information was both unreliable and unrepresentative in its findings. As such the design and layout of the development could be comprised and without an appropriate noise survey the local planning authority were unable to accurately assess the potential harm towards both future occupiers of the new dwellings and the adjacent commercial business within 'Old Mill Farm'.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S7 – The Countryside
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN3 – Flood Protection
- Policy GEN4 – Good Neighbourliness
- Policy GEN6 – Infrastructure Provision to Support Development
- Policy GEN7 – Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- Policy ENV3 – Open Spaces & Trees
- Policy ENV7 – The Protection of the Natural Environment – Designated Sites

- Policy ENV8 – Other Landscape Elements of Importance for Nature Conversation
- Policy H9 – Affordable Housing
- Policy H10 – Housing Mix
- Policy H11 – Affordable Housing on Exception Sites

6.3 Supplementary Planning Policy:

- SPD Accessible Homes & Play Space
- SPD Renewable Energy
- SPD Parking Standards Design & Good Practice September 2009
- SPD Essex Design Guide

6 PARISH COUNCIL COMMENTS

7.1 Elsenham Parish Council objects to the planning application for the following reasons:

- The Parish Council is concerned that the issues raised by Stansted Airport under the previous refused application (ref: UTT/14/3513/DFO) has not been considered under the revised application in relation to the proposed SuD's scheme and its use of swales and basins and parts of the proposed landscaping.
- The Parish Council has certain concerns as regards the proposed surface water drainage strategy for the development and in particular in terms of public safety risks.
- The Parish Council asks that Crest Nicholson be requested to consider more bungalow dwellings to be included – beyond the minimum requirement of 8 dwellings – in the housing mix for this development.
- Overall, it would appear that the applicant's proposed parking provision for the development falls well-short of the target figures for parking spaces.

7 CONSULTATIONS

ECC Highways:

- 8.1 No objection - The Highway Authority made a number of comments on the original layout that was submitted as application UTT/14/3513/DFO. The applicant responded with some changes and clarified some of the measurements on the plan. These were confirmed on drawing number U11-SK007C which was submitted, on request, as additional information to form part of this planning application.
- 8.2 The Highway Authority would not wish to raise an objection to the above application which will conform to the drawing number U100-SK007C and the measurements thereon.

Highways Agency

- 8.3 No objection - Referring to the notification of a planning application dated 2nd September 2015 referenced above, in connection with the M11, details following outline application UTT/13/1790/OP (erection of up to 165 homes with associated car parking, landscaping and open space) - details of appearance, layout, scale and landscaping, land South of Stansted Road, Elsenham, notice is hereby given that Highways England's formal recommendation is that we offer no objection;

Thames Water Utilities:

8.4 No objection –

Waste Comments

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company.

Affinity Water Ltd:

8.5 No comments received.

ECC Sustainable Drainage:

8.6 No objection- Although the final details of the Sustainable Drainage System for the development would need to be addressed as part of discharging condition 6 attached to the outline permission.

Environmental Agency:

8.7 No objection - The details submitted may affect the surface water drainage management scheme, this is now the responsibility of Essex County Council as Lead Local Flood Authority.

ECC Ecology Advice:

8.8 No objection – I note that condition 5 of the decision notice states:

8.9 Should the development hereby approved not have been commenced within 1 year of the date of this permission, an update survey of the site shall be carried out to update the information previously submitted with the application, together with an amended Biodiversity Mitigation & Enhancement Plan to mitigate/compensate the impact of the development upon identified rare or protected species. The new survey and Biodiversity Mitigation & Enhancement Plan shall be submitted to and approved in writing by the Uttlesford Planning Authority prior to the commencement of the development and thereafter the development shall be implemented in accordance with the approved biodiversity survey and Biodiversity Mitigation & Enhancement Plan.

8.10 Given the time that has elapsed since the granting or permission (1.5 years) an update survey should be provided as per the above condition. We look forward to receiving the Reptile protection Plan, and Biodiversity Mitigation and Enhancement Plan, as per our comments dated 30th July 2013, and conditions 3 and 4 of the Decision Notice.

Network Rail

8.11 No objection - After reviewing the information provided in relation to the above planning application, Network Rail has no objection or further observations to make.

UDC Internal Housing:

- 8.12 No objection - The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more units; 20% on schemes 11-14 units and a commuted sum on schemes of 6-10 units.
- 8.13 The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 165 (net) units. This amounts to 66 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.
- 8.14 Please accept this response as confirmation that the affordable housing mix, design and layout meet the Council's policies.

UDC Landscaping:

- 8.15 No objection.

UDC Access & Equalities:

- 8.16 No objection I have reviewed all the plans. I would note the following-
- 8.17 As per the SPD on Accessible Homes and Playspace which is part of the Local Plan, there is a requirement for 5% of dwellings on this site to meet the Wheelchair Accessible Standard as set out in Appendix 2 of this document. I cannot see that there have been any plots identified to meet this requirement.
- 8.18 The topography of this site will require that level or gently sloping access to the principal entrance is provided and the developer will need to be reminded of this.
- 8.19 Finally there is a requirement to identify the through floor lift space for those dwellings which are two storey and this has not been identified.
- 8.20 As a result of the above issues raised, the applicant submitted further information in order to provide clarity. Council's equalities officer reviewed this information stating the following:
- 8.21 Thank you for forwarding the response from Crest Nicholson. I have noted their comments. I will accept that the drawings identifying the through floor lift space can be provided at construction and that the nominated plots identified for the Wheelchair Accessible Housing are appropriate.

UDC Environmental Health:

- 8.22 No objection - subject to the resolution of outstanding matters by way of appropriate conditions.
- 8.23 A comprehensive explanation of Uttlesford District Council's environmental health officers comments outlining the key issues regarding the scheme are addressed within the part B of appraisal section of this report.

Airside OPS Limited

8.24 The application was consulted to Airside OPS Limited who made the following comment:

Initial examination reveals that this proposal requires fuller investigation regarding its potential impact on the operation of Stansted Airport. Whilst every effort will be made to reply as soon as possible, we are not in a position to reply fully within 21 days of receipt of your initial letter. I would, therefore, ask that your Council defers making a decision on this application until we are able to advise you of the results of our investigations. I will write again to update you on our position within 2 weeks of this email.

8.25 After no formal response was received from Airside Ops Limited, officers tried to make contact with Airside OPS Limited by returning emails on the 5th and 17th of November in the attempt to gain formal comments given the reply above and the fact that they objected to the previous refused scheme ref: UTT/14/3513/DFO. At the time of writing this report, no addition comments were received from Airside OPS Limited.

8.26 Although no comments have been formally received under this application, it is regarded that the previous comments made by Airside OPS Limited should be taken into consideration under this revised scheme. Under the previous refused scheme, Airside OPS Limited objected to the proposal unless the following can be overcome:

- Further details can be supplied which confirm that the basins will remain dry for the majority of the time, and that water held after extreme rainfall events will drain quickly.
- The berry bearing component of the planting is reduced to less than 10% of the total, and the Oak trees are removed from the planting palette.
- The public amenity lawns should be kept as long as practical, with a recommended height of 8-10cm and have trees and bushes surrounding it, and if possible scattered throughout, in order to reduce the open aspect of the habitat.

8.27 The concerns raised by Airside OPS Limited have been addressed within the main appraisal of this report.

National Air Traffic Services

8.28 No objection - The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

ECC Police Architectural Liaison Officer:

8.29 No comments received although previously they stated they had no objections.

Fisher German Chartered Surveys:

8.30 No objection - Our Client, CLH Pipeline System LTD, do not have apparatus situated within the vicinity of your proposed works, and as such do not have any further comments to make.

National Grid:

8.31 No comments received.

Natural England:

8.32 No comments received.

Essex Wildlife Trust:

8.33 No Comments received.

9 REPRESENTATIONS

9.1 The application was publicised by sending 404 letters to adjoining occupiers, displaying a site notices and advertising it within the local newspaper 13 letters of objection have been received at the time of writing this appraisal that raise the following concerns:

- The infrastructure available in the village, including health care and education, is unable to support a development of this size.
- Drainage is increasingly a problem in the immediate area, with persistent flooding of the road between Elsenham and Stansted, with run off from fields and poor drainage.
- Roads and transport are poor and unsuitable for the development.
- I am very disappointed in a planning process that continues to consider similar applications for additional houses without addressing requirements mandated by previous submissions and subsequent appeals. Improvements to the roads, utilities, sewerage, water, flooding, community infrastructure must be addressed before any more applications are even considered.
- This site is in the Countryside Protection Zone, so should never have been given outline consent on the first place.
- Development on this greenfield site & loss of agricultural land is unnecessary when there are plenty of brownfield sites that should be used before the countryside is encroached upon.
- I am informed by a member of the Environment Agency that he feels the drainage system could well be inadequate. Stansted brook is a small watercourse and will struggle to deal with run-off.
- The Local Planning Inspector has recently rejected Fairfield's application for housing in Elsenham /Henhan on the grounds poor access. The same goes for this application, as anyone who knows anything about the area can see the road access to Elsenham is terrible, with long queues into Stansted.
- The new residents will be impacted by noise due to the close proximity of the M11. The proposed development is on open fields and will further reduce the open spaces which currently define our village way of life.
- Concern that the occupiers of some of the residential units proposed will be adversely affected by the noise from the operation undertaken within our site (Glove Engineering) which could lead to complaints. Thereby regardless of those complaints, the proposal would be detrimental to the adjoining business.
- Local policy states that affordable housing clusters should be no more than 10. The proposed layout is not in accordance with this policy.

- It is not clear from the proposal who will be responsible for the maintenance of any acoustic features (i.e. fencing and car barns if built).
- Each application should be judge on its own merits and not on the basis of other appeal decisions.
- There are discrepancies, misleading and inaccurate information/calculations within the applicants noise survey.
- Questions to whether the proposed cart barns used for noise mitigation measures would in fact be constructed as one of the barns to be erected would be constructed on a right of way.
- Noise and disturbance during construction if planning permission is allowed.
- The proposals represent an overdevelopment of the site & are not in accordance with policy S7 of the ULP 2005.
- The proposals do not follow the Essex Design guide and therefore are not in accordance with policy GEN2 of the ULP 2005.
- The site is overcrowded and cramped.
- The documents submitted by the applicant are poorly presented and difficult to decipher, but it appears that there are insufficient bungalows. Particularly 3 bedroomed detached bungalows to enable existing older residents to down-size.
- Affordable housing should be pepper-potted throughout the site, not lumped in groups of 10 dwellings, and should not be distinguishable from privately owned properties.
- The drainage scheme appears inadequate. Stansted Brook is NOT a canal! It is a natural watercourse and should be treated as such.
- The hedge on the border of Stansted Road should be maintained as much as possible and the footway set inside it to separate pedestrians and traffic.
- Footpath 30 Elsenham which is on land owned by the developers (although neglected in their submission), should be in a grassed strip 6 metres wide with a new hedge on the development side planted with native species.
- As much of the existing mature hedges running north/south should be retained to help reduce the adverse impact on wildlife.
- Footpath 28 Elsenham, which runs along the southern boundary of the site, should not be compromised by this development.
- The number of dwellings will put yet further pressure on the ancient semi-natural woodland of Alsa Wood.
- This will make a third development adjacent to Stansted Road, causing traffic congestion
- The bottleneck of the one way system at the lights in Stansted is already causing problems.
- The potential noise complaints from residents of the new development would be of a serious concern.
- The allotments are not happily located adjacent to the M11.
- The design of some of the dwellings are less than ideal and could be improved.
- Poor layout and parking options.
- There is a lack of visitor parking
- Emphasis on social housing and small properties out of keeping with village needs, which suggests the intention to change the nature of this village with an influx of people from outside the area.
- Previous objections from consultees should be taken into consideration under this scheme.
- The design and appearance of the housing is uninspiring and out of character with the surrounding locality.

9.2 The above concerns raised within the letters of objection will be address within the appraisal section of this report.

10 APPRAISAL

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

- A. Whether the layout, design and appearance of the proposal is acceptable (NPPF, Local Policy GEN2)
- B. Whether the amenities of future occupiers of the development are appropriate specifically relating to noise and disturbance from adjoining sources (NPPF, GEN2, GEN4 & ENV10)
- C. Dwelling mix and Affordable Housing provisions (NPPF, Local Polies H9 & H10)
- D. Access to the site and highway issues (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies)
- E. Landscaping and open space (NPPF, Local policy GEN2)
- F. Biodiversity and Protection of Natural Environment (ULP Policies GEN7, GEN2 and ENV7 and ENV8)
- G. Drainage (ULP Policies GEN3 and GEN6)
- H. Whether the proposal would cause harm to the amenities of adjoining property occupiers (NPPF and ULP Policies GEN2 & GEN4).

A. **Whether the layout, design and appearance of the proposal is acceptable (NPPF, Local Policy GEN2)**

10.1 The guidance set out in Paragraph 58 of 'The Framework' stipulates that the proposed development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate development and is visually attractive as a result of good architecture.

10.2 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 it's 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.

10.3 The design and access statement provides details of the rationale behind the proposed development. This follows an assessment of the constraints and opportunities of the site, the design and appearance of the residential units, landscape objectives, noise assessment mitigation measures and surface water drainage strategies.

10.4 The guidance contained within the Essex Design Guide has been considered in the overall design of the development. The design of the buildings reflects the local vernacular of the surrounding built form.

10.5 The mixture of individual housing types, the addition of different ridge heights and the use of different materials would all contribute to a development that would break up any repetitiveness and avoid any strict symmetry that would be visually unpleasant within the street scene. The scale of the dwellings has been proposed with regard to the character of

the surrounding locality which predominantly contains two story dwellings but combined, detached, semi-detached and terrace units with linked and detached garages. The dwellings are normally made up of rectangular plan forms with some front and rear projecting features. The buildings contain pitch roofs spanning the narrow plan dimensions of the dwellings with the majority containing gable roof forms. They would be well proportioned, articulated and reflect the patterns of characteristics of surrounding built form. The proposal would not result in detrimental harm to the character and appearance of the surrounding locality.

- 10.6 The proposed layout of the site is generally in accordance with the approved Masterplan that was granted permission under the outline application. The site plan shows the new housing adjoining the main existing edges of Elsenham village and allowing significant areas of open space to be created to the west and south thereby creating a wide buffer between the housing and the M11 corridor. The development will be served by a primary loop road that will have a network of shared surfaces and private drives connecting inner and outer properties.
- 10.7 The street layout generally encourages walking and cycling in that internal paths are well connected allowing pedestrians and cyclists a choice of direct routes and to move freely between all parts of the layout and to wider destinations.
- 10.8 Furthermore, the creation of pedestrian/cycles links between parts of the road system particular those at the end of cul-de-sacs that would otherwise form a barrier, results in a permeable layout rather than a dead end.
- 10.9 The design of the layout has also incorporated a variation in character of housing between different sectors within the development. Internal character areas include formal and informal mews, internal and green avenues and green edge areas. This has been achieved through the use of different types of space, density, building forms and materials throughout each area thereby creating particular identities in different parts of the development.
- 10.10 The frontage of the buildings largely follows other development in the vicinity with the new buildings along the internal highways being sited at the back edge of the public footways allowing for car parking to be sited between houses or within garages reducing the visual impact of on-site parked cars and also allows as much private rear gardens as possible to the rear of the dwellings. It is noted that there are some parking towards the front of properties however it is considered that the visual impact within the street scene is minimal. In addition, the siting of the dwellings within the development have been arranged to follow the curve of the highways within the site which allows more harmonious street scene appearance.
- 10.11 Policy GEN2 requires that developments are designed appropriately and that they provide provides an environment which meets the reasonable needs of all potential uses and minimises the environmental impact on neighbouring properties by appropriate mitigating measures. The NPPF also requires that planning should seek to secure high quality design and a good standard of amenity for all existing and further occupants of land and buildings.
- 10.12 As a minimum every effort should be made to avoid overlooking of rear-facing living room windows. Where the rear facades of dwellings back onto one another the Essex Design

Guidance stipulates that a distance of 25 metres between the backs of houses or the use of other possible design mitigation measures may be appropriate to minimise and reduce the risk of potential impact upon neighbouring amenities. Where the backs of houses are at more than 30 degrees to one another this separation may be reduced to 15 metres from the nearest corner. In addition, where new development backs on to the rear of existing housing, the rear of new houses may not encroach any closer than 15 metres to an existing rear boundary.

10.13 The majority of the residential units meet the above guidance in terms of the minimum setbacks and angles. However it should be noted that 6 of the 165 dwellings proposed just fall short of the minimum 25 metre back to back distance which amounts to approximately 3.5% of the total scheme. The back-to-back distances of these dwellings range from 21m to 23m. Given that it is only a slight shortfall in terms of distance and that it only affects 6 dwellings within the entire scheme; officers considered that on balance this shortfall is appropriate.

10.14 In accordance with local policy GEN2, the Council will require developers to provide new homes, which are designed to lifetime homes standards. These standards will apply to all new housing, including blocks of flats, for both social housing and private sector housing. In addition developments of 20 units and over at least 5% should be built to wheelchair accessible standards. The applicant states that the 8 bungalows provided within the site would be built to wheelchair accessible standards.

10.15 The development has also taken into account the general principles regarding 'Secure by Design' in terms of its layout. Public spaces, such as parking areas, streets, lanes play grounds and cycle areas have been designed to be overlooked to provide natural security to the public realm.

10.16 For a two bedroom dwelling unit, the provision of 50sqm of amenity area and 100sqm for a three bedroom or more dwelling unit has been found to be acceptable and a workable minimum size that accommodates most household activities in accordance with the Essex Design Guide. For two or more bedroom flat communal gardens must be provided on a basis of a minimum area of 25sqm per flat. In addition to the minimum size guidance, the amenity space should also be totally private, not be overlooked, provide an outdoor sitting area and should be located to the rear rather than the side.

10.17 Each residential unit within the scheme has been provided with at least the minimum private or communal garden sizes as stipulated above to meet the recreational needs of future occupiers.

B. Whether the amenities of future occupiers of the development are appropriate specifically relating to noise and disturbance from adjoining sources (NPPF, GEN2, GEN4, ENV10)

10.18 In relation to potential noise and disturbance of future occupiers of the new housing from outside sources, it should be noted that the property known as 'Old Mill Farm' contains both residential properties and a commercial premises (Globe Engineering) that has a lawful B2 use (light industrial).

10.19 Local policy ENV10 aims to ensure that wherever practicable, noise sensitive development such as new housing should not be permitted if the future occupants would experience

significant noise disturbance from major sources of noise such as road, rail, air transport and certain types of industrial development.

10.20 In addition, the third bullet point of paragraph 123 of the NPPF reads as follows:

10.21 Planning policies and decisions should aim to:

Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;

10.22 Given the above policy statement, it is equally important that consideration needs to be given to the Globe Engineering developing as a business.

10.23 As already emphasised within the history section of the report, the most recent planning application (ref: UTT/14/3513/DFO) was refused under delegated powers by officers as the submitted noise assessment survey that accompanying the application was both inappropriate and inaccurate in that the information was both unreliable and unrepresentative in its findings. As such the design and layout of the development could be comprised and without an appropriate noise survey the local planning authority were unable to accurately assess the potential harm towards both future occupiers of the new dwellings and the adjacent commercial business within 'Old Mill Farm'.

10.24 Subsequent to the above, the applicant has revised the siting and layout of some of the housing within the proposal from that of the application that was previously refused and in addition have produced a further noise survey prepared by Ardent Consultant Engineers in support of the scheme in order to overcome the outstanding issues.

10.25 The proposal was consulted to Uttlesford District Council's environmental health officer who made the following comments:

10.26 Background

10.27 The following comments are made in relation to the Acoustic representations made by Ardent Consulting Engineers on behalf of the application for Crest Nicholson Partnerships and Sound Planning Ltd on behalf of Globe Engineering.

10.28 In addition, consideration has been given to previous acoustic submissions from Crest Partnership by the acoustic consultants Phlorum Ltd.

10.29 The site is affected by road, rail and industrial noise. Originally the impact of these noise sources was addressed by Phlorum Ltd as part of application ref UTT/14/3513/DFO. Due to concerns raised over the adequacy of the noise assessment an objection was made on the basis that insufficient reliable information was presented.

10.30 In May, Ardent Consultant Engineers were appointed by Crest Nicholson to overcome some of the outstanding issues and present the case for residential development in close proximity to Globe Engineering.

10.31 Planning Assessment Criteria

10.32 Matters relating to the assessment of industrial noise are generally assessed in accordance with the British Standard BS 4142:2014 "Method for rating and assessing sound of an industrial and/or commercial nature". To briefly outline the principles of the standard, the industrial noise level (specific noise) is corrected in accordance with particular annoyance characteristics to give a single 'rating noise level'. This rating level is then compared with the representative background level. The margin by which the rating level exceeds the background indicates the magnitude of noise impact on a potential receptor.

10.33 The evaluation of impact is considered in light of the following:

A difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context.

A difference of around +5 dB is likely to be an indication of an adverse impact, depending on the context.

10.34 The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.

10.35 Examples of Significant and adverse impact can be compared with Planning Practice Guidance on Noise. Within this guidance an example of observed effects is given below:

10.36 Adverse observed Impact:

10.37 Noise can be heard and causes small changes in behaviour and/or attitude, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a perceived change in the quality of life.

10.38 Where adverse observed impact may occur, the reported planning action would be to mitigate and reduce the noise to a minimum.

10.39 Significant observed impact:

10.40 The noise causes a material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.

10.41 Where significant adverse observed impact may occur, the reported planning action above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. Such decisions must be made taking account of the economic and social benefit of the activity causing the noise, but it is undesirable for such exposure to be caused.

10.42 Appraisal of Assessment

10.43 In the context of this development, taking into account 'worst case measurements' the external rating level outside the closest sensitive dwelling is approximately +16.5dB over the agreed background at the Ground floor level and +18.5dB over the agreed background at the first floor level. In garden areas, the noise level is predicted to be +5dB over the background or less.

10.44 Ardent, have presented information putting the case that adverse impact will not occur to the future inhabitants of the closest proposed dwellings due to reasons of context. These reasons of context can be summarised as follows:

1. That the agreed rating level calculated from Globe Engineering is based on the worst case scenario and that typically, levels are significantly lower than specified.
2. That persons choosing to move into close proximity to the engineering works will do so fully aware of the presence of the engineering works and would be less adverse to the noise when compared to new industry locating to an already existing residential area.
3. That measures can incorporate design measures to protect internal and external acoustic conditions.

10.45 It is also important to note that information has also been presented in the form of an appeal decision (Appeal Ref: APP/H1705/A/14/2223680) that conditioned a limit of +5dB over the background, but implies that +10dB over the background may be acceptable providing adequate measures are in place to protect amenity.

10.46 It is worth noting that where potentially noisy activities are introduced to a residential area, UDC's Environmental Health Department typically conditions the rating level to be no more than 0dB over the background noise level, thereby preserving a low noise environment.

10.47 Ardent claim that the +5dB levels within garden areas are achievable through the use of a boundary treatments such as acoustic barriers, car barns and building orientation.

10.48 Concerns have been expressed by Globe Engineering's' consultant Sound Planning that Ardent may have made a mistake in their calculations. These concerns have been put to Ardent and they stand by their calculation model. Environmental Health does not have the expertise and acoustic modelling capability to interrogate and verify these calculations and therefore it is necessary to take the resultant levels on face value.

10.49 Sound planning have also raised the point that background levels will fall due to the protection afforded by the rest of the development and that this has not been taken into account in the BS4142 assessment. This matter was previously raised with Crest Nicolson's' previous consultant Phlorum Ltd. It was considered that the afforded protection from the proposed M11 boundary treatments would be insignificant. Once again, this department does not have acoustic modelling capability to verify this and unless information is noted that implies the contrary, we are not in a position to query this any further.

10.50 As mentioned, at the façade of the closest property (No.77) the rating level is predicted to be +16.5 dB over the background at the ground floor level and +18.5 dB at the first floor.

Many other dwellings in proximity to Globe Engineering are + 10dB above the background, indicating significant adverse impact depending on context.

10.51 Ardent claim that these levels are acceptable as the proposed mitigation measures will provide adequate protection of the inhabitants from unreasonable levels of noise and amenity areas have been protected. However, despite request made for comparable sites where external levels of this magnitude have been accepted, information in support of this has not been provided.

10.52 The proposed mitigation measures include:

1. Enhanced acoustic glazing
2. Mechanical ventilation.
3. Internal layout (non-sensitive rooms such as kitchen and bathrooms, where possible are oriented towards the noise source and sensitive rooms are orientated towards quieter facades)

10.53 The above measures to mitigating the effects of adverse noise are often applied where there is a need to develop in areas affected by high levels of transport noise, however; in general, more caution is applied to matters concerning industrial noise as these can ultimately lead to nuisance related complaints.

10.54 During busy operational periods, it is clear that the inhabitants will need to ensure that windows to the front of their properties will need to remain closed to preserve a low internal noise levels. It is broadly acknowledged that this is unreasonable impacting on health and quality of life. Therefore, to overcome this issue, alternative (mechanical) ventilation has been proposed.

10.55 The precise detailing and delivery of the necessary mitigation measures are required to be submitted to comply with Condition 11 of the outline planning permission, the approval of this reserved matters application does not alter this requirement. In order specifically address noise impact issues upon the adjacent proposed properties two parking barns are proposed on the boundary of the site. A condition is required to ensure that these barns are provided prior to the occupation of any dwelling. In addition the ongoing maintenance of these barns (likely through a management company) will be need to be secured through a variation to the extant Section 106 Obligation. The applicant is agreeable to this.

10.56 I note, from Globe Engineering's' representation that they provide information on a right of way over the land in where the car parking barns will be positioned. I assume that any planning consent will be conditional on these barns being erected and maintained to afford long term protection for affected residential properties.

10.57 Although no formal complaints alleging noise nuisance have been made to the Council, noise impact concerns were raised during Globe Engineering planning application to extend. These concerns ultimately resulted in conditions to restrict restricting hours and the use of power tools externally.

10.58 Having sought confirmation from planning colleagues, conditions also exist limiting operational hours for the rest of the site. For this reason, it would be unreasonable to

request a further assessment to quantify the noise impact from Globe Engineering during the evenings, at night and on Sundays as part of this application.

10.59 Ultimately, given the worst case high rating level outside the dwellings, there is a greater potential for these to result complaints to the Council upon occupation. It is acknowledged that the proposed layout and measures to reduce impact make this less likely. However, I fully understand Globe Engineering's concerns that residential accommodation in close proximity may result in further more onerous restrictions on business in years to come.

10.60 On balance, the decision on whether or not to object is difficult as the British Standard and Planning Practice Guidance on Noise are open to interpretation. Prior to the 2014, this department would have raised an objection to this development in the comfort and knowledge that the British Standard was more specific and clear in its assessment conclusions. However, due to the ambiguous nature of the standard, I cannot be confident that the case for refusal could be supported at an appeal and I remain ambivalent. That said, providing that Globe Engineering operates during the daytime only and that matters relating to social housing and the development of the car barns can be secured for the long term, the actual impact from Globe Engineering's activity will be limited. However, there is no certainty that can be given, and ultimately further distancing of dwellings to ensure that the rating levels do not exceed +5dB at the façade would be preferable.

10.61 Impact from road traffic noise

10.62 Matters concerning noise impact from road have previously been expressed previously in my comments during the previous planning application:

10.63 Concerns have previously been expressed over the requirements to meet internal and external criteria based on the assessment provided by Phlorum Ltd. Whilst internal levels can be achieved through the use of appropriately worded conditions, the external amenity criterion has been somewhat overlooked. However, I understand that Crest intend to commission Ardent to undertake a further assessment to demonstrate compliance with internal and external guideline criteria and is expected that this can be addressed through condition. I do not consider it reason to justify a refusal at this stage.

C. Dwelling mix and Affordable Housing provisions (NPPF, Local Polies H9 & H10)

10.64 In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out Councils approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the District. Paragraph 50 of the Framework requires that developments deliver a wide choice of high quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

10.65 The S106 agreement attached to the outline planning permission specifies the number and type of affordable housing to be provided. It also states that the affordable housing shall be positioned in separate groups which will not be contiguous and will not comprise more than 10 affordable housing units, however, there may be one group of up to 16 units. In addition, it also stipulates that 40% of the development should be Affordable in which the Tenure mix should be 70% Affordable Rented and 30% Shared Ownership Units. The

proposed affordable housing provision meets the requirements of the S106 and is therefore acceptable in this instance.

10.66 ULP Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom market dwellings. However, since the policy was adopted, the Strategic Housing Market Assessment (SHMA) has identified that the market housing need is generally for dwellings with three or more bedrooms. The Council's stance is that this should equate to approximately 50% of the dwellings

10.67 This is a material consideration because the SHMA constitutes supporting evidence for the Local Plan, which itself requires the housing mix requirements in the SHMA to be met in order to achieve compliance with Policy H2. 78 of the 165 dwellings proposed comprise of 3 bedrooms or more which equates to 47.2%. Although the percentage of market dwellings consisting of three bedrooms or more is a little low, and it would be a better mix to provide a few additional 3 or more bedroom dwelling units, on balance it is considered that the mix of one, two, three, four and five bedroom market dwellings across the development is appropriate.

10.68 The provision of 8 bungalows has been incorporated into the scheme 6 private and 2 affordable. This amounts to 5% of the total dwelling units being two or three bedroom elderly person bungalow across the tenure. This is considered to be an appropriate number and mix. The elderly person bungalows are located on plots 4, 16, 32, 33, 36, 37, 105 and 147.

D. Access to the site and highway issues (ULP Policies GEN1, GEN8; SPD: Parking Standards - Design and Good Practice; Development Management Policies)

10.69 The master plan confirms the details as agreed under the approved outline application showing of the main single access point onto Stansted Road located towards the eastern edge of the development which involves a new priority junction. It also highlights that an emergency access would be provided onto Stansted Road to the west of Old Mill Farm.

10.70 In addition to the above access points agreed at outline stage, a new single vehicle access point onto Stansted Road has been included as part to the layout to provide a separate vehicle access point solely for the use of the occupants of plots 116 and 117.

10.71 The scheme was consulted to Essex County Council who do not wish to raise an objection to the above application as shown in principle on Drawing Numbers 22100A/20G and U100-SK007 rev C (which shows visibility splays and dimensions of roads, turning heads and parking bays) subject to planning conditions if the application was to be approved.

10.72 Specifically in relation the new vehicle crossover in front of plots 116 and 117 as it was concluded that the addition of the new access is acceptable in highway terms due to:

- The access conforms to standards in terms of visibility and dimensions;
- The access is for only two properties so that the impact on the highway will be minimal;
- There are already properties accessing directly on to the road providing a precedent;
- The access is off set from the access to the development on the other side of Stansted Road minimising conflict. A drawing showing this was sent to highway authority in the pre-application stage.

10.73 Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning Guidance 'Vehicle Parking Standards.

10.74 The Adopted Council Parking Standards recommends that a minimum of one vehicle space be provided for a one-bedroom unit, two spaces for a two or three bedroom dwelling, and three spaces for a four-bedroom dwelling house along with additional visitor parking spaces. In addition each dwelling should also be provided with at least 1 secure cycle covered space.

10.75 The proposal makes provisions for at least 1 car parking space for each one-bedroom unit and at least 2 car parking spaces for dwelling consisting of two bedrooms or more. A total of 405 off street parking spaces are provided which is excessive of the requirements stipulated within the Adopted Council Parking Standards. These would be accommodated within a range of options including car ports, garages and on and off street parking. There is also the allowance for 34 additional visitor parking spaces which is regarded as being sufficient given the extra off street parking spaces provided for the dwelling units themselves. In addition secure cycling would be provided for each residential unit within the site.

10.76 All appropriate size vehicles including emergency and refuse vehicles would be able to access the site. All refuse storage points would be located within 25m carry distance.

10.77 It is concluded that the proposed development would cause no harm to matters of highway safety.

E. Landscaping, open space and allotments (NPPF, Local policy GEN2)

10.78 All larger development should be designed around a landscape structure. The landscape structure should encompass the public open space system but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows.

10.79 Where based on retention of hedgerows, these should be within the public realm and not just in back gardens. The existing mature hedgerows within the site have been retained and are used to enhance public open space areas throughout the development in order to achieve a better sense of wellbeing and place making for future occupiers within the development.

10.80 The design of the surface water run-off system should be considered in conjunction with the landscape structure. Balancing ponds for storm-water should contain a permanent body of water, and can be a valuable ecological and landscape feature.

10.81 Although the water balancing ponds shown located to the south of the developed area as part of the drainage strategy for the site would not be permanently full as required by Aerodrome Safeguarding, it will still provide an additional ecological, visual amenity and recreation area.

10.82 The general landscape layout particularly that of the plot landscaping has been designed to enhance the overall character and appearance of the development and creates a pleasant environment to live in. Extensive grassed areas and garden beds along with

street trees will provide an open and attractive aspect to the front of dwellings. In addition, the soft landscaping would be easily maintained and allow for future growth. The landscaping is appropriate in that it will help soften the built form of the development and reflect its wider setting.

10.83 Open space areas should be suitably located and have appropriate proportions to their use and setting. Narrow or peripheral areas, which are difficult to access or maintain will not be considered appropriate. Open space provisions should form an integral part of the design and layout and meet the need generated by the development.

10.84 The site plan shows open spaces around the periphery of the development with additional formal play areas, all of which will be within convenient locations to the housing.

10.85 A Local Area of Play (LAP) extending to 100sqm is located towards the north east of the site and would include natural play features, including mounding, logs, boulders and sensory planting. A larger Local Equipped Area of Play (LEAP) is situated adjacent the sites southern boundary and will function as a formal play area in the form of a Trim Trail. It would comprise of informal exercise/play equipment around a jogging track.

10.86 The size and location of the proposed LAP's and LEAP are generally in accordance with the master plan granted consent under the outline application. It is considered that the space provided would be of a useful size and in a safe location that are overlooked to allow for informal play activities and is assessable for everyone concerned. The provision of the play areas would be in accordance with the S106 agreement that formed part of the outline consent.

10.87 In terms of the open space, it has been designed to appear like a natural landscape with parkland elements running through it. Appropriate native grasses, wild flowers and trees has been incorporated into the landscape that are easily to maintained allowing for attractive place of leisure for the public to enjoy.

10.88 In accordance with the S106 agreement, the provision of one hectare of land to be used as allotments is to be located to the western part of the site. The layout of the allotments is based upon individual 250sqm with the potential for 125sqm plots and they have clearly defined pathways to allow suitable access around each one. Watering points have been spaced at 25m apart at the key junction points of the allotment paths. A hedgerow and security fencing in the form of a dark green weld-mesh fence 1800mm high would bound the allotments providing adequate security. In addition a suitable entrance point to allow access for delivery vehicles and for disable access and a parking area with up to five parking spaces include one disable parking space has been provided.

10.89 Airside OPS Limited raised the concern regarding the amount of high concentrations of berry bearing tree and shrubs throughout the site, which can result in attracting significant numbers of feeding birds, which can pose a risk to aircraft. In order to address the bird strike issues raised by Airside OPS Ltd Council's landscape officer suggest that an easy solution would be to substitute the proposed allotment boundary hedge with a field maple and hazel hedge mix [Field maple 70%; Common hazel 30%]; and the substitute the existing holly and the wild cherry species with hazel in the woodland mixture. These changes would reduce the number of berry bearing subjects by over 3,500. Also, the substitute of oak with common hornbeam would overcome concerns regarding roosting and nesting associated with oak trees.

10.90 Furthermore, the areas of short cut amenity grassland can be reduced with increasing the areas of wild flower grassland. In addition the proposed balancing ponds/swales that form part of the sites surface water drainage system does not provide for the attenuation structures to have permanent standing water.

10.91 It is considered that the suggested changes implied by Council's landscape officer to substitute certain species of vegetation with other species would overcome the concern raised by Airside OPS Limited. It is therefore deemed necessary that if planning permission were to be approved, a condition should be imposed that further details outlining types of species, numbers and their position within the site be submitted and approved by the Local Planning Authority before works commence on site.

F. Biodiversity and Protection of Natural Environment (ULP Policies GEN7, GEN2 and ENV7 and ENV8)

10.92 Existing ecology and natural habitats found on the site must be safeguarded and enhanced and new opportunities for increasing the biodiversity should be explored.

10.93 The application site itself is not the subject of any statutory nature conservation designation being largely fields with some mature trees and hedgerows scattered throughout.

10.94 As part of the outline planning application, the applicants submitted an ecological assessment of the site and submitted it with the application. This information was considered by the ECC Ecologist who had no objections to the proposals and confirmed that the ecological information submitted with the application was generally acceptable. However condition 3 of the granted outline permission stated:

10.95 Should the development hereby approved not have been commenced within 1 year of the date of this permission, an update survey of the site shall be carried out to update the information previously submitted with the application, together with an amended Biodiversity Mitigation & Enhancement Plan to mitigate/compensate the impact of the development upon identified rare or protected species. The new survey and Biodiversity Mitigation & Enhancement Plan shall be submitted to and approved in writing by the Uttlesford Planning Authority prior to the commencement of the development and thereafter the development shall be implemented in accordance with the approved biodiversity survey and Biodiversity Mitigation & Enhancement Plan.

10.96 As the decision notice is dated 23rd December 2013, and that works have not commenced on site within 12 months, an updated ecology survey and mitigation and enhancement plan should be undertaken and the report submitted for further consideration by way of a planning condition if permission is approved.

10.97 It is concluded that the with appropriate mitigation measure by way of planning conditions if permission was approved, the proposal would not result in a significant harm to the ecology and biodiversity of the surrounding area. The proposal is in accordance with local policy GEN7 and the NPPF.

G. Drainage (ULP Policies GEN3 and GEN6)

- 10.98 The applicants have stated that the risk of flooding on the site is low and that it is intended that sustainable drainage measures would be implemented so that the development would not worsen flood risk to the application site or surrounding areas.
- 10.99 The applicants confirm that there would be a significant increase in demand for potable water and foul drainage treatment infrastructure as a result of the development.
- 10.100 The applicant concludes that in terms of cumulative effects there would be negligible cumulative effects for flood risk, surface water drainage and surface water quality for the completed development.
- 10.101 The application was consulted to Thames Water and Affinity Water who both had no comments to make regarding the proposal.
- 10.102 Since the outline permission was granted and the previous reserved matters application was refused earlier in the year, Essex County Council is now the lead local flooding authority where it once used to be the Environmental Agency.
- 10.103 ECC Sustainable Drainage team initially had concerns regarding the proposal specifically in relation to whether the scheme could provide the need for long term storage because whilst the scheme was limiting runoff rates to less than the Greenfield rates, it did not mitigate against the additional volume of water running off the post development site compared to Greenfield, albeit it would be limited to the Greenfield rate.
- 10.104 However this concern from the ECC Sustainable Drainage team was later withdrawn following further correspondence with the applicant who ensured that the proposal as a whole would be facilitated with appropriate forms of SuDS across the site to suitably attenuate and treat the proposed development runoff.
- 10.105 ECC Sustainable Drainage team went onto emphasise that whilst not all information was submitted with the reserve matters application specifically relating to long term storage capacity, the applicant has indicated types of flow controls within the development that would help slow the flow of water from the site and provide long-term storage.
- 10.106 It was agreed to some extent that the principle of an appropriate sustainable drainage system could be achieved throughout the site. However the final details such as long term storage calculations and checks amongst other elements would need to be assessed as part of discharging condition 6 attached to the outline permission.
- 10.107 Turning to the concern raised by Airside OPS Limited in relation to whether the basins will remain dry for the majority of the time and whether the water held after extreme rainfall events can drain quickly, the applicant has responded by making the following comments:
- 10.108 As set out within the drainage note (U100-01) and shown on the drainage strategy plan (U100-3200 Rev F), the SuDS features at the lower end of the site are storage basins. These are set at a level above the adjacent watercourse and although some overland flow will be intercepted by the basins, they will fall towards the pond and will remain dry for the vast majority of the time. In a severe rainfall event, the control on the watercourse will divert excess flow into the basins where they will be stored until the rate of rainfall

subsides. The swales within the development are for conveyance only and will receive flows only during storm events.

10.109 Officers are happy with the above clarity of the situation in that it has been confirmed that the basins would predominately remain dry apart from severe rainfall events in which excess flow would be diverted into the basins. It is considered that the concern raised by Airside OPS Limited has therefore been addressed and overcome.

10.110 Due to the changing national approach to the handling of Sustainable Urban Drainage (SUDs) solutions on sites between the approval of the outline planning permission and the determination of this current reserved matter planning application the matter regarding the ongoing maintenance of the system. This will need to be covered by a variation of the extant Section 106 Obligation.

H. Whether the proposal would cause harm to the amenities of adjoining property occupiers.

10.111 Due consideration has been given in relation to the potential harm cause to the amenities enjoyed by adjoining residential property occupiers.

10.112 Although some of the new dwellings within the development would have the pleasure of views overlooking public spaces to the south and west of the site, other new dwellings would back onto existing adjoining properties.

10.113 A number of new dwellings would partially back onto properties fronting Stansted Road and abut a residential housing estate to the east beyond the public footpath. In addition, the proposed development would surround the site known as 'Old Mill Farm' on three sides which contains further residential properties and a commercial premise.

10.114 The site plan shows a degree of separation between the proposed area of housing and the adjoining dwellings that would ensure that the amenities of these properties will be largely protected. The distance would conform to the relevant setbacks within the Essex Design Guide and as such the proposal would not result in a significant degree of overlooking or overshadowing and would neither be visually intrusive or overbearing when viewed from adjoining properties.

10.115 In relation potential impacts at the construction stage, particular in relation to air quality, noise and vibration, it is considered that these could be addressed by appropriate conditions and also by a Construction Management Plan.

10.116 It is concluded that the development would not result in excessive harm to the amenities enjoyed by adjoining residential property occupiers and that the proposal would comply with local policies GEN2 and GEN4.

11 CONCLUSION

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

A. The proposed layout of the site is generally in accordance with the approved Masterplan that was granted permission under the outline application. The layout, size and scale of the proposal is considered to be appropriate to reflect the character and appearance of the

characteristics of the site and its wider context. It would integrate well with the surrounding built form and the natural environment whilst at the same time create provide a sense of well-being for future occupiers.

- B. On balance, it is concluded that with appropriate mitigation measures, the amenities and living conditions of future occupiers of the new dwellings would be appropriate. In addition it is considered that the proposal would not prevent the adjoining commercial business from wanting to develop in the future if desired or continue its ongoing operations.
- C. The proposed affordable housing provision meets the requirements of the S106 and is therefore acceptable in this instance and on balance it is considered that the mix of one, two, three, four and five bedroom dwellings across the development is appropriate.
- D. It is concluded that the proposed development would cause no harm to matters of highway safety. In addition, appropriate parking provisions have been incorporated into the scheme that will meet the needs of future occupiers and visitors.
- E. The proposed landscaping of open spaces including street frontages is considered to be appropriate.
- F. It is concluded that the with appropriate mitigation measure by way of planning conditions, the proposal would not result in a significant harm to the ecology and biodiversity of the surrounding area.
- G. No objections from either the local flooding or water authorities however although it was acceptable that the principle of an adequate SuDS throughout the site could be implemented, further details would be required before the local flooding authority can be completely satisfied. This issue would be resolved by discharging condition 6 of the outline permission.
- H. The proposal would not lead to excessive harm upon the amenities of adjoining property occupiers surrounding the site.

RECOMMENDATION – CONDITIONAL APPROVAL

- (I) **The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 21 December 2015 the freehold owner enters into a binding agreement to vary the existing Section 106 Obligation attached to outline planning permission UTT/13/1790/OP binding obligation to cover the additional 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 obligation to secure the following:**
 - (i) **Maintenance details and arrangements (including details of an management company) regarding the Parking Barns to be provided as noise mitigation measures**
 - (ii) **Maintenance details and arrangements (including details of an management company) for the provision of the agreed Sustainable Urban Drainage Scheme.**

(iii) Pay Councils reasonable costs

(II) In the event of such a variation to the extant obligation 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 a variation of the extant obligation , the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reason:

(i) Lack of ongoing securing of the ongoing noise mitigation measures

(ii) Lack of adequate ongoing maintenance of the SUDs system.

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. Notwithstanding the details shown on the submitted plans, the external finishing materials of the works hereby approved shall be submitted and approved in writing by the Local Planning Authority prior to any works commencing on site. The works approved shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

JUSTIFICATION: The details of materials would need to be submitted for approval prior to the commencement of the development to ensure that the resulting appearance of the development is safeguarded and the amenity of the surrounding locality is protected.

3. Prior to the occupation of dwellings numbered 116 and 117 the provision of a priority junction formed at right angles to Stansted Road, Elsenham as shown in principle on the submitted drawing number 22100A/20C is required. This should include visibility splays of 2.4m by 90m, be a width of a minimum of 5m and setback a minimum of 6m from the edge of carriageway. A turning head of 8m x 8m is required for these dwellings.

REASON: In the interests of highway safety in accordance with policy GEN1 of the Uttlesford Local Plan (adopted 2005).

4. Prior to the erection of the development hereby approved, further details need to be submitted and approved by the Local Planning Authority that indicates the allotment boundary hedge would consist of a field maple and hazel hedge mix [Field maple 70%; Common hazel 30%]; and the substitute the existing holly and the wild cherry species with hazel in the woodland mixture. In addition, the oak species of trees throughout the site should be replaced by common hornbeam species. The works should thereafter be completed in accordance with these details unless otherwise agreed in writing by the Local Planning Authority.

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).

JUSTIFICATION: The details are required before works commence to ensure that particular species of vegetation is not used within the landscape scheme in order to overcome concerns regarding roosting and nesting of birds associated with oak and berry trees, thereby reducing the chances of bird strikes.

5. 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 dwellings, the completion of the development, or in agreed phases whichever is the sooner, and any plants 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: 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).

6. 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4 (3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace.

7. No dwelling shall be occupied until the parking barns indicated as noise mitigation on the boundary between Plots 60 & 61 and Plots 62 & 63 with the premises Globe Engineering have been fully provided in accordance with a scheme to be submitted and agreed with the Local Planning Authority.

REASON: In the interests of amenity of the future residents and in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Appendix A

Copy of Decision Notice for Outline Permission

Marie Nagy
Teal Planning
Brentano Suite
Prospect House
2 Athenaeum Road
Whetstone
London
N20 9AE

Dated: 23 December 2013

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Application Number: UTT/13/1790/OP
Applicant: Gleeson Developments Ltd

Uttlesford District Council **Grants Permission** for:

**Outline application for a development of up to 165 homes, open space and allotments.
All matters reserved except for access at Land South Of Stansted Road Elsenham
Bishops Stortford Hertfordshire**

The approved plans/documents are listed below:

Plan Reference/Version	Plan Type/Notes	Received
AIR QUALITY ASSESSMENT	Other	11/09/2013
ITB3191-GA-005 D	Other	11/09/2013
P930.APP.01 REV G	Other	11/09/2013
P930.DDP.01	Other	11/09/2013
NOISE REPORT	Other	11/09/2013
LOCATION PLAN	Location Plan	05/07/2013
ARBORICULTURAL DEVELOPMENT REPOR	Other	05/07/2013
ARCHAEOLOGICAL ASSESSMENT	Other	05/07/2013
FLOOD RISK ASSESSMENT	Other	05/07/2013
LANDSCAPE AND VISUAL APPRAISAL	Landscape Details	05/07/2013
SUSTAINABLE DESIGN	Other	05/07/2013
TRANSPORT ASSESSMENT	Other	05/07/2013
UTILITIES	Other	05/07/2013
CORRESPONDENCE PACK ECOLOGY AND BIODIVERSITY ASSESSM	Other	05/07/2013

Permission is granted with the following conditions:

- 1 Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.
(B) The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

- 3 No development shall take place until a Biodiversity Mitigation & Enhancement Plan has been submitted to and approved in writing by the Uttlesford Planning Authority. The Plan shall include provision for habitat creation and management during the life of the development hereby permitted and in accordance with the general principles outlined in the Ecology and Biodiversity Assessment (dated May 2013) and, without prejudice to the foregoing, shall include:

- (A) Aims and objectives of mitigation;
- (B) Extent and location of proposed works;
- (C) A description and evaluation of the features to be managed;
- (D) Sources of habitat materials;
- (E) Timing of the works;
- (F) Selection of specific techniques and practices for preparing the site and creating/establishing vegetation including specific planting schemes detailing the native species that will be used;
- (G) Details of the location, height, design and luminance of all fixed lighting for both construction and occupation phases of the development to minimise impacts on foraging bats;
- (H) Detailed descriptions of biodiversity enhancement measures that will be taken within the development and outside of the development footprint;
- (I) Prescriptions for management actions, both short and long-term;
- (J) Provisions for the long-term management of the area demonstrating the feasibility of delivery of biodiversity enhancement and long-term management, including details of funding for the management.

The development hereby permitted shall be implemented in accordance with the approved plan.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with local plan policies.

- 4 No development shall take place until a Reptile Protection Plan for the site has been submitted to and approved in writing by the Uttlesford Planning Authority. The details shall include how mitigation measures for legally protected reptiles will be implemented prior to and during construction of the development in accordance with appropriate wildlife legislation. This shall include a Method Statement. The development shall thereafter be carried out in accordance with the approved Reptile Protection Plan in all respects.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 5 Should the development hereby approved not have been commenced within 1 year of the date of this permission, an update survey of the site shall be carried out to update the information previously submitted with the application, together with an amended Biodiversity Mitigation & Enhancement Plan to mitigate/compensate the impact of the development upon identified rare or protected species. The new survey and Biodiversity Mitigation & Enhancement Plan shall be submitted to and approved in writing by the Uttlesford Planning Authority prior to the commencement of the development and thereafter the development shall be implemented in accordance with the approved biodiversity survey and Biodiversity Mitigation & Enhancement Plan.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 6 Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) Stansted Road, Elsenham, Flood Risk Assessment, June 2013, Ref. -12-019 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 include a restriction in run-off and surface water storage on site as outlined in the FRA.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

- 7 Prior to the commencement of development a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development shall be submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

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

- 8 Prior to the commencement of development, a scheme for the provision and implementation of rainwater harvesting shall be submitted and agreed, in writing, with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification before occupancy of any part of the proposed development.

REASON: To enhance the sustainability of the development through efficient use of water resources.

- 9 (A) 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 planning authority. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

(B) 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.

(C) The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the 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).

- 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:

(A) the parking of vehicles of site operatives and visitors

(B) loading and unloading of plant and materials

(c) storage of plant and materials used in constructing the development

(D) the control of noise from construction including the hours of working

(E) wheel washing facilities

(F) measures to control the emission of dust and dirt during construction

(G) the routing and timing of construction traffic

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 No development shall be commenced until a scheme of noise mitigation measures shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the approved scheme has been implemented in full for the dwelling in question.

REASON: In the interests of the amenity of the future residents and in accordance with Policies GEN2 of the Uttlesford Local Plan (adopted 2005).

- 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 proposed levels including cross sections of the site and adjoining land, including details of existing levels around the buildings hereby permitted and any changes in level proposed together with proposed floor levels within the buildings, have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To protect the amenities of neighbours and in order to minimise the visual impact of the development in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 14 Before development commences details of a Waste Management Plan shall be submitted to and approved by the Local Planning Authority and thereafter implemented in accordance with the approved details.

REASON: To protect the amenities of the locality and surrounding residential occupiers preventing pollution, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 15 Prior to the occupation of any dwelling, a priority junction formed at right angles to Stansted Road, Elsenham as shown in principle on the submitted drawing number ITB3191-GA-005 rev D shall be provided and shall include visibility splays of 2.4m by 90m, 9m radii and 5.5 metre carriageway with two 2 metre footways. The details of the access shall be submitted to and approved in writing with the Local Planning Authority, prior to the commencement of the development.

REASON: To provide highway safety and adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 16 Prior to the commencement of the development details shall be submitted to and approved by the Local Planning Authority of a scheme for the provision of a shared use, unsegregated footway cycleway on the South of Stansted Road, Elsenham as shown in principle on drawing number ITB3191-GA-007 is required. The footway/cycleway shall run in front of the development and link into the access road in front of Gilbey cottages. The cycleway/footway shall be designed in accordance to ECC Designing for Cyclists - A guide to good practice (2006) and will be 3m wide, where unconstrained and maximum width possible where there are constraints, and shall include associated signing and drop kerbs. The approved scheme shall be implemented and the footway/cycleway made available for use prior to the occupation of any dwelling.

REASON: To provide a safe and convenient route for pedestrians and cyclists from the development to local amenities in the village centre in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 17 Prior to the commencement of the development details shall be submitted to and approved by the Local Planning Authority of a scheme for the provision of two new bus stops on Stansted Road, one on the north side of the road and the other on the south is required, indicative location indicated on drawing file named 'proposed bus stop location 2013-09-2013'. The specification of the bus stops is to include, but not restricted to, the provision of bus shelter, seating, raised kerbs, bus stop markings, pole, flag and timetable casing and to be Real Time Passenger Information ready. The approved scheme shall be implemented prior to the occupation of the 75th dwelling.

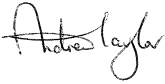
REASON: To provide convenient access to bus services by ensuring that all dwellings are within 400m of a bus stop in accordance with DM7

- 18 No dwelling shall be occupied until a scheme of traffic management has been implemented to include a gateway feature at the commencement of the 30 mph speed limit along Stansted Road to encourage lower speeds of traffic passing the site and an extension of the street lighting on Stansted Road westwards to incorporate the proposed priority junction. Details to be submitted to and approved in writing by the Local Planning Authority and implemented.

REASON: In the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

In determining this application, the Local Planning Authority had regard to the following Development Plan Policies:

Land south of Stansted Road
NPPF - National Planning Policy Framework
S3 - Other Settlement Boundaries
S7 - The Countryside
S8 - The Countryside Protection Zone
GEN1 - Access
GEN4 - Good Neighbours
GEN5 - Light Pollution
GEN7 - Nature Conservation
GEN8 - Vehicle Parking Standards
ENV5 - Protection of agricultural land
ENV8 - Other landscape elements of importance for nature
ENV10 - Noise sensitive development and disturbance from aircraft
ENV12 - Groundwater protection
ENV15 - Renewable Energy
H1 - Housing development
H3 - Infilling with new houses
H9 - Affordable Housing
H10 - Housing Mix
ECP - ECC Parking Standards (Design & Good Practice)September 2009
Uttlesford Local Parking Standards
SPD4 - Energy Efficiency and Renewable Energy



Assistant Director Planning and Building Control

Notes:

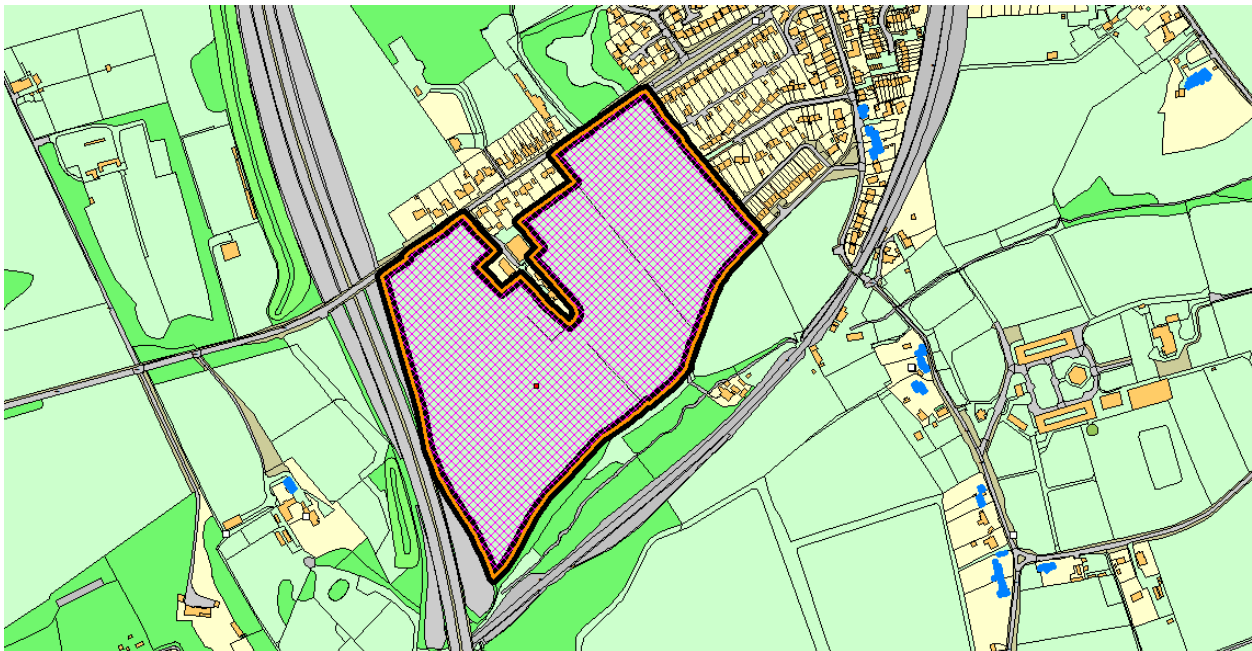
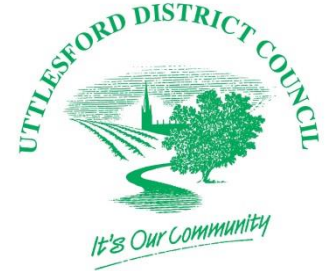
- 1 * This permission does not incorporate Listed Building Consent unless specifically stated.
* The alterations permitted by this consent are restricted to those specified and detailed in the application. Any alteration, demolition or re-building not so specified, even if this should become necessary during the course of the work, must be subject of a further application. It is an offence to carry out unauthorised work to the interior or exterior of a Listed Building in any way, which would affect its character.* The proposal has been considered against Development Plan policies shown in the schedule of policies. Material planning considerations do not justify a decision contrary to the Development Plan.* The Development Plan comprises the saved policies of the Uttlesford Local Plan (2005).* It is the responsibility of the owner to ensure that any conditions attached to an approval are complied with. Failure to do so can result in enforcement action being taken. Where conditions require the submission of matters to and approval by the local planning authority these must be submitted on form "Application for approval of details reserved by condition" available from the Council's web site www.uttlesford.gov.uk and accompanied by the correct fee.* Your attention is drawn to the need to check with the Council's Building Surveying Section regarding fire-fighting access and the requirements of Section 13 of the Essex Act 1987.* Your attention is drawn to the Equality Act 2010. The Act makes it unlawful for service providers (those providing goods, facilities or services to the public), landlords and other persons to discriminate against certain groups of people. * If you intend to pipe, bridge or fill in a watercourse, as part of this development or otherwise, you need to contact the County Highways Authority. * Under the terms of the Water Resources Act 1991 and Environment Agency Byelaws, the prior written consent of the agency is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any main river. * If you are aggrieved by the decision of the Council to grant permission subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990, section 20 and 21 of The Planning (Listed Buildings and Conservation Areas) Act 1990 or Regulation 15 of The Town and Country Planning (Control of Advertisement) Regulations 1992.* If you want to appeal against the Council's decision then you must do so within 12 weeks if it is a Householder application, 6 months for Conservation Area Consent applications, Listed Building applications and all other planning applications or within 8 weeks in relation to Advertisement applications.* If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder application) of the date of this notice, whichever period expires earlier.* The Inspectorate will publish details of your appeal on the internet. Please only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so.* Appeals must be made using a form available from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk.* If either the

local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

- 2 The local planning authority has worked with the applicant in a positive and proactive manner by negotiating issues around the access to the site and the relationship with existing employment in the area.
- 3 All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made to the Essex County Council on 0845 603 7631
- 4 This Decision Notice must be read in conjunction with an Obligation made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.

Application number: UTT/15/2632/DFO

Address: Land South of Stansted Road Elsenham



Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationary Office© Crown Copyright 2000. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

Organisation: Uttlesford District Council

Department: Planning

Date: 2 December 2015

SLA Number: 100018688