



# Uttlesford District Council

Chief Executive: Dawn French

## Planning

**Date:** Wednesday, 11 January 2017  
**Time:** 14:00  
**Venue:** Council Chamber  
**Address:** Council Offices, London Road, Saffron Walden, CB11 4ER

**Members:** Councillors R Chambers, J Davey, P Fairhurst, R Freeman, E Hicks, J Lodge, J Loughlin, A Mills, V Ranger (Chairman), H Ryles.

## AGENDA PART 1

### Open to Public and Press

- 1 Apologies for absence and declarations of interest**  
To receive any apologies for absence and declarations of interest.
  
- 3 Minutes of previous meeting** 5 - 6  
To receive the minutes of the meeting held on 14 December 2016
  
- 3 Planning Applications**
  - 3.1 UTT/16/1856/ DFO Saffron Walden** 7 - 76  
To consider application UTT/16/1856/DFO Saffron Walden
  
  - 3.2 UTT/16/2436/FUL Felsted** 77 - 84  
To consider application UTT/16/2436/FUL Felsted
  
  - 3.3 UTT/16/2538/FUL Newport** 85 - 98  
To consider application UTT/16/2538/FUL Newport

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|------------|--|-----------|
| <b>3.4</b> | <b>UTT/16/1066/FUL Henham</b>                                    | 99 - 128  |
|            | To consider application UTT/16/1066/FUL Henham                   |           |
| <b>3.5</b> | <b>UTT/16/2520/FUL Farnham</b>                                   | 129 - 138 |
|            | To consider application UTT/16/2520/FUL Farnham                  |           |
| <b>3.6</b> | <b>UTT/16/2607/HHF Saffron Walden</b>                            | 139 - 146 |
|            | To consider application UTT/16/2607/HHF Saffron Walden           |           |
| <b>4</b>   | <b>Any other items which the Chairman considers to be urgent</b> |           |
|            | To consider any items which the Chairman considers to be urgent. |           |

## **MEETINGS AND THE PUBLIC**

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Members of the public and representatives of parish and town councils are permitted to speak at this meeting. You will need to register with Democratic Services by 2pm on the day before the meeting. An explanatory leaflet has been prepared which details the procedure and is available from the council offices at Saffron Walden.

The agenda is split into two parts. Most of the business is dealt with in Part 1 which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

Agenda and Minutes are available in alternative formats and/or languages. For more information please call 01799 510510.

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**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 2pm on 14 DECEMBER 2016**

Present: Councillor V Ranger (Chairman)  
Councillors R Chambers, R Freeman, E Hicks, J Lodge, J  
Loughlin and A Mills.

Officers in attendance: N Brown (Development Manager), M Cox (Democratic  
Services Officer), K Denmark (Development Management Team  
Leader), J Lyall (Interim Solicitor) S Shoesmith (Development  
Management Team Leader) and L Trevellion (Planning Officer).

PC28 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors J Davey, P Fairhurst and  
R Ryles.

*Councillors Freeman declared a non-pecuniary interest as a member of Saffron  
Walden Town Council.*

PC29 **MINUTES**

The minutes of the meeting held on 16 November 2016 were received and  
signed by the Chairman as a correct record.

PC30 **PLANNING APPLICATIONS**

**(a) Approvals**

RESOLVED that the following application be approved subject to the  
conditions set out in the report.

**UTT/16/2233/FUL Great Easton** – erection of 9 extra care units and extension  
to existing clubhouse – The Moat House, Dunmow Road for RV Moat Park Ltd.

*Joan Sutherland spoke against the application. John Snedden spoke in support  
of the application.*

**UTT/16/1466/DFO Great Dunmow** – reserved matters approval for the access  
to the site and principal roads within the site including spine road following  
outline application UTT/13/2107/OP – Land west of Woodside Way for Barratt  
homes, C J Trembath and the Building Farms Project.

Subject to an amendment to conditions 1 and 2 to state ‘no more than 200  
dwellings’.

**UTT/16/0786/DFO Newport** - Details following outline application  
UTT/14/1794/OP for the erection of 15 dwellings and alteration of access,

details of layout, access, scale, landscaping and appearance – Land adj Branksome, Whiteditch Lane for Mr P Frost and Mr K Gregory.

Subject to the removal of conditions 10 and 11.

*Bill Bampton spoke in support of the application.*

**UTT/16/2801/FUL Henham** – change of use from existing agricultural building to use class D2 to be used as a gym/studio – Parsonage Farm, Church End , Church Street for Mr A Chapman.

**UTT/16/2689/FUL Clavering** – erection of new dwelling and formation of new access drive to serve new property and existing dwelling Clatterbury – Land at Clatterbury House, High Street for Mr L Ede.

*Councillor Oliver, David Sams and Stephanie Gill spoke against the application.*

**UTT/16/2707/HHF Newport** – Retrospective application for erection of fencing to front and sides of property and erection of side gate – 1 Gaces Acre for Mrs Erica Mead.

**(b) .District Council Development**

RESOLVED that that pursuant to the Town and Country Planning (General) Regulations 1992, permission be granted for the developments proposed subject to the conditions recorded in the Officer's report.

**UTT/16/2951/LB Saffron Walden** – proposed like for like replacement of 3 no. windows to front elevation. UDC, Council Offices, London Road for Mrs N Wittman.

**UTT/16/2837/FUL Wendens Ambo** – proposed new vehicular crossover and hardstanding to serve no's 4 and 6 Station Road for Uttlesford District Council.

**UTT/16/2900/FUL Newport** – Proposed new vehicular crossover and hardstanding – 2 Station Road for Uttlesford District Council.

The meeting ended at 4.15pm.

**UTT/16/1856/DFO (SAFFRON WALDEN)**

(MAJOR)

**PROPOSAL:** Application for the approval of matters reserved by outline planning permission UTT/13/3467/OP comprising the erection of 200 dwellings of mixed size and tenure, including link road, residential access roads, public open space, surface water attenuation areas and landscaping, and access to and preparation of land for a one form entry primary school

**LOCATION:** Land South Of Radwinter Road Radwinter Road Saffron Walden

**APPLICANT:** Linden Limited

**AGENT:** Vincent and Gorbing

**EXPIRY DATE:** 18 October 2016

**CASE OFFICER:** Maria Shoemith

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**1. NOTATION**

1.1 Outside Development Limits Airport Safeguard Zone

**2. DESCRIPTION OF SITE**

2.1 It covers a rectangular area of land with three 'fingers' extending northwards two of which front Radwinter Road. A further element of land extends southwest along the edge of development limits and the Shire Hill industrial estate. The site comprises of four arable fields varying in sizes and one field which is under pasture. The ground level rises from north to south of around 81AOD (above ordnance datum) to 100 AOD towards Shire Hill Farm before sloping back down to Thaxted Road.

2.2 The application site is located east of Saffron Walden and would form an urban extension of the town. It is adjacent to residential dwellings to the northwest, southwest and northeast, Wild Hedges and Turnip Hall Farm; Shire Hill Farm is located to the south of the application site. The Shire Hill industrial estate is located west and abuts the application site, and Tesco is located to the north of the site.

2.3 The character of the area surrounding the application site changes from one which is of an urban nature, to commercial/industrial, to one that is countryside. Radwinter Road forms a valley with a drainage ditch that runs along the boundary frontage, and thereafter the ground levels rising back up again northwardly.

2.4 The site falls within Flood Risk Zone 1 whereby there is low risk of flooding from rivers. There are no other sources of flood sources identified. The application site falls 300 metres east of the Saffron Walden Air Quality Management Area, and north of the application is the MoD fuel storage depot.

2.5 The site as a whole covers an area of 13.9 hectares, whereas the housing and school element, the subject of this reserved matters application, covers an area of 12.9ha.

2.6 There is no designated public footpath that runs through the site apart from an informal pedestrian route which connects Shire Hill to the rear of Tesco's. There are footpaths, bridleway and byway run south and outside of the site and to the west of the application site. Along Radwinter Road are public footpaths to Swards End.

2.7 As part of the application it is proposed that primary access is taken from Radwinter Road and secondary access from Shire Hill.

### 3. PROPOSAL

3.1 Outline planning consent for a residential development of up to 200 dwellings, 1,800sqm Class B1 Business floor space, extra care housing (Class C2), provision of public open space, provision of land for a one form entry primary school; together with associated infrastructure including roads, drainage, access details from Radwinter Road and Shire Hill, with all matters reserved except access. Landscaping, Sustainable Urban Drainage features, play areas, a network of public footpaths, cycle routes and green corridors are integral to the development that was granted planning permission 26th May 2015. The report for this is attached to Appendix A.

3.2 This application is for the assessment of the detailed reserved matters relating to the erection of 200 dwellings of mixed size and tenure, including link road, residential access roads, public open space, surface water attenuation areas and landscaping, and access to and preparation of land for a one form entry primary school. The scheme would provide 40% affordable housing with a mixture of tenure, both rent and shared equity. 5% bungalows will be provided across all tenures.

3.3 As part of the outline application details relating to the access into the site which involves the necessary highway improvements in order to accommodate the proposed development was included. Amongst other things this identified the primary access to be taken from Radwinter Road and secondary access from Shire Hill. This has been reflected in the reserved details application designed to the conditioned 6.75m width.

3.4 Since the approved outline masterplan some of the key design principles are maintain, such as green corridors both in terms of open space, preserving and enhancing wildlife, also residential landscape buffer zone between the proposed and the existing uses. As part of the outline a main road through the site with the future intension to connect with the adjacent site to the south, to allow for the ability of linking up with Thaxted Road in the future, and to prevent land locking was proposed. Again, this has been reflected within the reserved matters submission in accordance with the approved illustrative masterplan.

3.5 The application covers an area of 12.9ha from the original 13.9ha, as these reserved matters do not cover the extra care facility or the employment Class B1(a) floorspace elements. It highlights the provision of a series of various play and open spaces in compliance with policy, a main road to adoptable standards (as conditioned) connecting the site to Radwinter Road, Shire Hill and to the southern boundary of the site. The provision of land for the primary school also forms part of the application. The detailed scheme follows closely the approved illustrative masterplan.

3.6 A breakdown of the housing units in terms of tenure, parking and private amenity space provision is attached to the end of the report in **Appendix B**.



- 3.7 A formal avenue area would be provided along the main road along the north and to the east of the site with the formal housing provided having a height of 2.5 and 3 storeys. The scheme would consist of different housing areas around greens and informal space. This would consist of largely 2 storey dwellings with some 2.5 storey units, together with some bungalows.
- 3.8 There would be varying scales and spacing between buildings. This would be created through the provision of various open spaces. There is a network of pedestrian paths integrated within the scheme. Sustainable drainage systems in the form of attenuation ponds are also integrated within the design of the scheme.
- 3.9 The application includes the discharge of conditions 3 (Air quality during construction) 4 (Lifetime Homes) 5 (Wildlife Protection) 6 (Biodiversity Mitigation and Enhancement Plan) 8 (Further Biodiversity Survey) 9 (Details of link road) 14 (Detailed surface water drainage scheme) 17 (Water, Energy and resource efficiency) 18 (Rainwater harvesting) 20 (Noise and dust during construction) attached to UTT/13/3467/OP. This has been separately registered and will be dealt with as a Discharge of condition under reference UTT/16/2516/DOC.

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

- 4.1 The following documents have been put together and submitted in support of the application;

- Supporting Planning Statement (Vincent & Goring, June 2016);
- Design Compliance Statement (Thrive);
- Soft Landscaping Specification (ACD Environmental, May 2016);
- Soft Landscaping Management and Maintenance Plan (ACD Environmental, May 2016);
- Biodiversity Mitigation & Enhancement Plan (First Environment Limited, May 2016);
- Updated Preliminary Ecological Appraisal (First Environment Limited, May 2016);
- Transport Assessment Addendum (RGP, June 2016);
- Air Quality Assessment (REC, 30 June 2016);
- Construction Management Plan (REC, 30 June 2016);
- Statement of Community Involvement (Remarkable Engagement, June 2016);
- Sustainable Statement (AES Southern Ltd, May 2016);
- Sustainable Drainage Statement (RLT, 19 July 2016)

#### **4.2 Statement of Community Engagement:**

A Statement of Community Involvement (SCI) has been submitted as part of the application. This stated that various methods were made available for residents and stakeholders to feedback on the proposal. This was highlighted to be in the form of freephone information line, and dedicated website.

- 4.3 A public exhibition was held on the 7th June 2016, of which 830 local residents and businesses were invited to attend. The event was publicised by a press release issued in the Saffron Walden Reporter and the Cambridge Evening News. The invitation newsletter provided details of the scheme and exhibition.

- 4.4 28 residents attended the event. Freepost feedback cards were also provided for attendees at the event.
- 4.5 Freepost feedback cards and the freephone information line generated one response.
- 4.6 Linden Homes also met with the Town Council and Town Councillors.
- 4.7 As a result of the above the following changes to the scheme have been stated to have been made;
- Review of the design of the scheme,
  - Open space and attenuation provision;
  - Landscaping;
  - Review of play equipment

## **5. RELEVANT SITE HISTORY**

- 5.1 Below is a list of relevant planning history relating to the subject site;
- 5.2 UTT/13/3467/OP - Outline planning application for either a residential development of up to 230 dwellings; Class B1 Business floorspace, extra care housing within Class C2, provision of public open space or for development of up to 200 dwellings, Class B1 Business floorspace, extra care housing within Class C2, provision of public open space, provision of land for a one form entry primary school; together with associated infrastructure including roads, drainage, access details from Radwinter Road and Shire Hill, with all matters reserved except access – Granted 26 May 2015
- 5.3 Screening Opinions have been undertaken regarding the proposed development in the form of the following;
- UTT/13/3363/SCO – Mixed development of up to 230 homes (Class C3), up to 1,800 sqm of B1 office floor space, 60 extra care units (Class C2) and 42 sheltered units (Class C3) with areas of public open space, landscaping, parking and footpaths links and new access
  - UTT/13/3467/OP – A new Screening Opinion was further undertaken following the submission of the application which now included the option of a new single form entry primary school.
  - UTT/16/1776/SCO - Request for screening opinion for proposed development of 200 dwellings with associated Infrastructure and primary school relating to the reserved matters submission.
- 5.4 Under all Screening Opinions it has been concluded that an EIA would not be required for either schemes.

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework

### **6.2 Uttlesford Local Plan (2005)**

- S7 Countryside

- GEN1 Access
- GEN2 Design
- GEN3 Flood Risk
- GEN4 Good Neighbourliness
- GEN5 Light Pollution
- GEN6 Infrastructure Provision to Support Development
- GEN7 Nature Conservation
- GEN8 Vehicle Parking Standards
- ENV4 Ancient Monuments and Sites of Archaeological Importance
- ENV5 Protection of Agricultural Land
- ENV12 Protection of Water Resources
- ENV13 Exposure to Poor Air Quality
- ENV14 Contaminated Land
- ENV15 Renewable Energy
- H9 Affordable Housing
- H10 Housing Mix
- LC2 Access to Leisure and Cultural Facilities
- LC3 Community Facility
- LC4 Provision of Outdoor Sports and Recreation Facilities Beyond
- Development Limits

## 7. SAFFRON WALDEN TOWN COUNCIL COMMENTS

### 7.1 Comments received 1.09.2016

The Town Council would wish to see the application rejected unless and until a much better use of the green space is provided. At the moment there are only two reasonably sized areas of green space, and one is cut in half by an existing hedge. We understand that the hedge is to be preserved, but it effectively renders that area of green space almost useless. We have previously raised this issue with the developer, who refused to amend their plans. It seems to us that it would be a very simple matter for the developer to amend the layout of some of the houses in that part of the proposed development so that all of the green space is on one side or other of the hedge, so that its use can be optimised. We would ask that Uttlesford District Council require that this is done.

### Comments received 19.08.2016

This application was considered at the Town Council's Planning & Road Traffic Committee meeting on 18th August 2016 where the following response was resolved:

(a) To request that no construction traffic is allowed to access the site through Shire Hill Industrial Estate. The estate is already exceptionally busy with traffic and parked cars and any construction traffic would have a direct and immediate negative impact on the traffic movement in this area. Should the application be granted, the Town Council requests that a planning condition is attached disallowing construction traffic through the Shire Hill estate.

(b) To note that the school must be built and designed according to Essex County Council approved policies and standards.

(c) To express concern regarding proposed location of the refuse areas for the residential properties. It is noted that some of the refuse sites are behind tandem parking and this will likely cause access problems and restrictions.

(d) To express concerns regarding the 3 storey affordable housing, which is overbearing and dominating of the street scene and to further request that these are

reviewed. The Town Council is opposed to the 3 storey buildings as it believes that the height of these have an overbearing, negative impact on the overall street scene and design of the area which is exacerbated by the elevated site.

(e) To express concerns regarding the width of the internal roads within the development. It is noted that the roads appear quite narrow and concerns are expressed that the width is insufficient to allow 2 way traffic if cars are parked on the roadside. Concerns are further expressed regarding access for emergency vehicles and a request is therefore made that the internal road system within the development is wider than that proposed.

(f) It is noted that the design mix is in favour of 4-5 bedroom properties and yet the housing that is in demand is for 2-3 bedroom properties (Information from the Office of National Statistics (ONS) weblink <https://www.gov.uk/government/statistical-data-sets/live-tables-onhousehold-projections>)

The Town Council therefore expresses concern that the mix of housing is inappropriate especially against the information from the ONS that an average household size is projected to fall from 2.35 in 2014 to 2.21 in 2039. One person households are projected to increase by 68,000 per year, about one third (33 per cent) of the total household growth up to 2039. The Town Council therefore requests that the mix of housing is revisited so that more 2-3 bedroom dwellings are included within the development meeting the current and future needs of both the locality and national requirements.

(g) Concerns are expressed regarding the Surface Draining System (SUDS) and it is noted that the attenuation proposed are ponds rather than attenuation tanks. Consideration should be given to the use of attenuation tanks, which will release green spaces for public use in all seasons.

(h) Should further development be allowed to edge of the development, this would have a direct negative impact on the drainage of the development at Radwinter Road.

Consideration must therefore be given to the impact of any higher development which may come forward in the future and its impact on this proposed development.

(i) The Town Council does not favour tandem parking and would request that parking provision for individual houses is supplied as side by side parking.

(j) A planning condition should be imposed requiring the developer to give preference to local residents for any employment arising from the development. The developer should also be obliged as a planning condition to offer apprenticeships for this development. The Town Council would be interested to have sight of and understand the developer's Social Value policy.

(k) The impact on schools, doctors and other community facilities is noted and it is requested that full and adequate provision is made for this within the S106 agreement.

(l) The Town Council would wish to have sight of the proposed S106 agreement between the developer and UDC and to be kept informed of any matters with a direct impact on the Town Council.

(m) It is noted that the Town Council has already expressed an interest with the

developer of managing and maintaining the play area and provision for this must be included within the S106 agreement.

(n) The Town Council would wish to know where the access to Shire Farm is within the proposed development.

Further comments dated 09.11.2016:

(2) The Town Council wishes to register further objections / concerns to this application as follows:

(a) To express concerns that the application shows the Kier site within the Master Plan and this presumption should not be included. Whilst the Kier site is noted as being within the current call for sites, it is not part of the current Local Plan and this presumption is considered pre-determination on the part of the developer and this site should be removed from the Master Plan.

(b) To note that the gardens within the proposed development are small and coupled with the limited public open space within the development, does not lend itself to encouraging or engaging people in outdoor activities.

(c) To further express concerns regarding the positioning of the hedge within the development and to therefore restate the submission made to UDC as per the Town Council's letter of 1st September 2016 being:

The Town Council would wish to see the application rejected unless and until a much better use of the green space is provided. At the moment there are only two reasonably sized areas of green space and one is cut in half by an existing hedge. We understand that the hedge is to be preserved but it effectively renders that area of green space almost useless. We have previously raised this issue with the developer who refused to amend their plans. It seems to us that it would be a very simple matter for the developer to amend the layout of some of the houses in that part of the proposed development so that all of the green space is on one side or other of the hedge, so that its use can be optimised. We would ask that Uttlesford District Council require that this is done.

(d) To note that there are seemingly no bungalows within the proposed development and this is not acceptable.

(e) To express concerns regarding the footprint of each house with particular regards to the 4-5 bedroom properties which are of a relatively small footprint and therefore making each room very small in size.

(f) To note that there does not appear to be any provision for disabled living and the Town Council would seek clarification on this matter. What percentage of homes proposed are designed for disabled living?

(g) To express concerns regarding the lack of public/visitor parking within the proposed development and this should be increased.

Further comments dated 06.12.2016:

Further to the Town Council's Planning & Road Traffic Committee meeting held on the 1st December 2016, please accept this email as the Town Council's formal response to the above referenced planning application:

Resolved: To object to this application on the following grounds:

(a) To repeat the objections from the Town Council as already submitted against the original application – the Town Council’s objections therefore as registered against the original application should be carried forward and are further attached to this email for your ease of reference. All of these objections still apply to this revised application.

(b) To repeat those objections raised by ECC against the proposed development at Little Walden Road as these equally apply to this proposed development. These objections relate to transport and infrastructure and the Town Council supports and endorses those comments made by ECC which are equally valid and applicable for this application. A copy of the referenced correspondence from ECC is also further attached for your ease of reference and the Town Council requests that these are considered an integral part of the response to this application from the Town Council.

(c) That given the lack of any specific traffic management plans, the Town Council is unable to endorse any traffic plans for this development; there is a fundamental failure to recognise the impact of this link road on both the proposed housing area and on Shire Hill

(d) To object on the grounds that the proposed link road passes directly past the primary school and close to several of the new houses and this is unacceptable from a number of perspectives including, lack of traffic management plan, health and safety for the children, impact on air quality, noise and pollution.

(e) The proposed link road simply terminates at the edge of the housing estate and there are no further details given as to where it would continue. This is unacceptable and has the potential to result in a housing estate with a link road which terminates in a residential area. This traffic proposal presupposes that a link road from east to west will be constructed and this is predetermination

I would appreciate if you could therefore please consider this email and all attachments the formal response from Saffron Walden Town Council to this planning application.

### **Comments on Representation**

*The hedge that is being referred to is one of ecological importance and had been agreed to remain as part of the outline consent. The open space layout whilst it is a reserved matter it follows closely the layout of the illustrative masterplan as approved at outline stage and demonstrating that it meets the needs of this proposed development.*

*Details of construction traffic movement would be unreasonable to condition as this would be unenforceable and it is something which would needed to have been dealt with at outline stage in any instance.*

*The school will not be built as part of this application. The applicant only has the duty to provide the land. The build of the school would be dealt with by a separate application thereafter it would be down to ECC Education to build the school or another education provider.*

*Design matters regarding heights of the buildings, housing mix, parking, garden sizes and refuse location etc. will be discussed below.*

*The internal roads would be to adoptable standards and would need to meet building regulations.*

*The scheme needs to meet SUD requirement of which this accords. See ECC SUDs comments below.*

*This scheme has to be assessed on its merits, what is before us for determination and not on what possible other schemes may come forward in the future. Also, and fundamentally, regard should be had to the fact that the principle and outline consent has been granted to have this level of development on this site.*

*Tandem parking has been allowed on other scheme and it is not a problem as long as it is within the control of the same household.*

*S106 financial contributions to mitigate the scheme have been dealt with at outline stage and cannot be renegotiated at this stage. A copy the Agreement is on the Council's website.*

*Plan shows land within Kier ownership and not forming part of this application.*

*5% bungalows are provided on site as per Council requirements and in accordance with the outline consent.*

## **8. CONSULTATIONS**

### **Linesearch**

8.1 There are lines in the area.

### **HSE**

8.2 The proposed development site which you have identified currently lies within the consultation distance (CD) of at least one major hazard site and/or major accident hazard pipeline; HSE needs to be consulted on any developments on this site.

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Uttlesford District.

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

### **National Grid**

8.3 National Grid has identified that it has no record of apparatus in the immediate vicinity of your enquiry as currently specified. As your works are at a "proposed" stage, any maps and guidance provided are for information purposes only. This is not approval to commence work. You must submit a "Scheduled Works" enquiry at the earliest opportunity and failure to do this may lead to disruption to your plans and works. National Grid will endeavour to provide an initial assessment within 14 days of receipt of a Scheduled Works enquiry and dependent on the outcome of this, further consultation may be required.

### **CLH Pipeline System Ltd**

8.4 We can confirm that your proposals are not directly impacting upon our client's apparatus as shown on our plan attached to this email detailing the approximate

location of the pipeline. Should your works extend outside of the red area we would ask that you please re-contact us in order that we may advise accordingly.

### **Sports England**

#### 8.5 Comments received 10.10.2016 & 23.11.2016

The proposed development is not considered to fall either within our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance Par. 003 Ref. ID: 37-003-20140306) upon which we would wish to comment, therefore Sport England has not provided a detailed response.

General guidance and advice can however be found on our website:  
<http://sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/>

If the proposal involves the **loss of any sports facility** then full consideration should be given to whether the proposal meets Par. 74 of National Planning Policy Framework, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a **new sports facility** then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition such facilities, to ensure they are fit for purpose, should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:

<http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If the proposal involves the provision of additional **housing** (then, if existing sports facilities do not have the capacity to absorb that additional demand, new sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, local standards and/or priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

*Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.*

### **ECC SUDS**

#### 8.6 Comments received 4.8.2016 raising objection;

##### Potential for geohazards

The FRA submitted with the outline states "it is considered that infiltration techniques will not be viable due to the constraints likely to be implied on their proximity to foundations due to underlying chalk."

The current proposal is to infiltrate but further information should be provided as to the potential for dissolution of the chalk. The report undertaken by PBA included in the SuDS Drainage Statement with this application includes an assessment for natural cavities and finds that the potential for solution features formation is low. However, this is in the context of the current situation and does not consider continuous wetting which would take place with the proposed soak a ways. This must be considered.

##### Water Quality Treatment

The site is in a Zone 3 Source Protection Zone and the bedrock aquifer. Therefore



the potential for pollution must be considered carefully. Information should be provided as to how the proposed SuDS Features will meet either the Pollution Indices Approach in the CIRIA SuDS Manual (C753) or other referenced best practice.

***Agent has responded to this and ECC SUDs have been re-consulted.***

**Further comments from SUDs as a result Email 13.09.2016**

Having reviewed the SuDS Drainage Statement prepared to support this application, we have no objection at this stage. It is noted that there is a Condition (No.14) requiring the surface water drainage scheme to be submitted for approval.

Additional comments:

We would expect the following to be addressed through the discharge of condition submission:

- Potential for geohazards- An explanation of the dynamic probing results should be provided. It is not clear whether the chalk is not thought to be prone to dissolution or that there are simply no adverse features to suggest dissolution would occur. If the latter then an assessment of the likelihood of dissolution following prolonged infiltration to 5m depth should be provided, as it is not clear whether these same conditions have existed historically.
- Water quality treatment- The site is in a Zone 3 Source Protection Zone and a bedrock aquifer. Therefore the potential for pollution must be considered carefully. Information should be provided as to how the proposed SuDS features will meet either the Pollution Indices Approach in the CIRIA SuDS Manual (C753) or other referenced best practice.
- Infiltration rate- the SuDS Drainage Statement included soakage test results undertaken in May which are used for the Micro Drainage model. Tests should be undertaken in winter to determine a worst-case scenario for infiltration rates. Alternatively, an assessment should be made of the potential for rates to vary in the winter given the depth of soakage. As mentioned in the report text, the lowest infiltration rate should be applied to all soakaways to be conservative, whereas the current Micro Drainage results show the infiltration rate varying depending on the location.

**Environment Agency**

- 8.7 Thank you for your enquiry received on 25 July 2016. We have inspected the application and will not be providing comments on the proposals, as the application now falls outside of the scope of matters for which we are a consultee. We are pleased to note that Essex County Council has been consulted on the surface water management scheme.

**Letter from EA to ECC SUDS 19.09.2016**

Thank you for your consultation received on 18 August 2016. We have been consulted to assess the potential for chalk dissolution, at the above site, resulting from the installation of soakaways.

Groundwater Whilst stability risk assessment reviews (in this case from solution features) fall outside our remit, we have reviewed the comments submitted by PBA Consultants in relation to the level of risk from chalk dissolution below the site to enable us to offer some advice. We would wish to inform you that these are merely our views but the responsibility rests with the developer. Therefore taking into account the aforementioned, we would wish to make the following comments;

The majority of site is overlies Lewes Nodular Chalk and Seaford Chalk Formation (principal aquifer). Principal aquifers are geological strata that exhibit high permeability and provide a high level of water storage. They support water supply and river base flow on a strategic scale. Most of the site is free of superficial deposits and directly underlain by chalk; a small part of the site (the south west) overlies Lowestoft Formation superficial deposits (undifferentiated aquifer). The site is located within a groundwater source protection zone (SPZ), namely SPZ3 (Total Catchment). In addition, various surface water features are located within 250 metres (m) of the site. The absence of superficial deposits, as shown from geological maps, indicates that there is a low risk of solution features being present below the site. However, as chalk is found at shallow depths, depending on the aquifer properties, a risk may still exist from the proposed soakaways. Whilst a desk study report has not been submitted as part of the reserved matters application, we are aware of the Phase 1 Desk Study Report (Environmental Management Solutions, reference: EMS4075a, December 2013) submitted as part of the outline planning application (UTT/13/3467/OP) which was prepared for this site. We note that a recommendation in this report was to perform an intrusive geophysical investigation to obtain information pertaining to the possibility of solution features existing below the site.

**UDC Housing Enabling Officer**

- 8.8 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.

The affordable housing provision on this site will attract the 40% policy requirement as the site is for 200 (net) units. This amounts to 80 affordable housing units and it is expected that these properties will be delivered by one of the Council’s preferred Registered Providers.

Affordable homes should be indistinguishable from market housing and be well integrated within the scheme in clusters of no more than 10 units. These must not be contiguous.

It is also the Councils’ policy to require 5% of all units being wheelchair accessible as well as 5% of all units to be bungalows delivered as 1 and 2 bedroom units. This would amount to 10 bungalows across the site delivered as 4 affordable units and 6 open market units. In addition, the Council requires 5% of all properties to be delivered as wheelchair accessible units as per part M of the building regulations, (higher level).

**BAA Safeguarding**

- 8.9 Comments received 18.8.2016 & 17.10.2016 & 29.11.2016 –

The proposed development has been examined from an aerodrome safeguarding aspect. Based on the information submitted to discharge condition 17, the development does not conflict with any safeguarding criteria. Accordingly, Stansted Airport has no safeguarding objections to proposal. However, should any further information be submitted in relation to this, or any future applications for this site which proposes renewable energy schemes, such as solar photovoltaic panels or wind turbines, the Aerodrome Safeguarding Authority for Stansted Airport must be consulted and reserve to right to provide further comment.

**ECC Highways**

- 8.10 Commented dated 25.10.2016 –

This recommendation deals with the planning application as submitted, any

implications for future Local Plan allocations and the position and role of the link road will be dealt with in a separate response by the ECC Strategy and Engagement team.

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

As far as can be determined from the submitted plans the proposed layout of the site is such that the impact on the highway network will be unacceptable in terms of highway safety and efficiency.

In particular the following issues are of concern:

1. There is no clear speed strategy for the development, it should be made the hierarchy and function and type of the roads should be made clear, and expected speed limits.
2. The proposed link road should be designed to accommodate buses and to a design standard for a speed limit of 30mph. This includes providing:
  - a. Swept path analysis to show that buses can and other vehicles can access from the Shire Hall access;
  - b. Swept path analysis of the road that shows that the vehicle can travel entirely within the proposed highway. Drawings TL4 and TL6 show that adjustments need to be made to the radius of the bends in order to achieve this;
  - c. Forward visibility that meets Manual for Streets standards for 30mph ie 43m, (currently 25m is shown which is only appropriate for 20mph);
  - d. Visibility splays from drives and accesses onto the road that meet Manual for Streets standards for 30mph ie 2.4m x 43m, (currently 2m x 20m is shown from drives);
  - e. Pedestrian/cycle crossings at appropriate points to assist the crossing of the road;
  - f. Where possible vehicles should be able to exit in a forward gear;
3. The following information is required to show that the access from Shire Hill will function safely and efficiently:
  - a. Visibility splays from the access to the link road;
  - b. Visibility splays for the access onto the shire Hall access road from the employment area;
  - c. Forward visibility splays;
  - d. Swept path analysis for a bus and HGV for the road;
  - e. This should join the main road within 10 degrees of perpendicular with a suitable straight length of road from the junction;
4. There are points where the visibility splays shown on drawing 1511/07/16 pass through buildings, parking spaces or land which will not be vested in the highway, therefore visibility cannot be achieved in accordance with MfS guidelines;
5. The treatment of the roads at the boundary of the drawing needs to be clarified in terms of turning;
6. The access to the school is shown to be on a cul-de-sac;
  - a. This is not acceptable as it will cause issues for pupils accessing the school by all modes of transport and lead to conflict between vehicles and vehicles and pedestrians and inappropriate parking;
  - b. Visitor parking should be provided around the vicinity of the school to help mitigate inappropriate parking which could become a highway safety issue as well as a nuisance to local residents;
  - c. Crossing points to the school across the link road should be provided;
  - d. The pedestrian environment around the school should be adequate to accommodate safe access, egress and waiting for the school;
7. The parking provision is below that of the Essex Parking Standards (2009).

- a. The dimensions of the parking spaces, in many places do not meet the preferred standards of 5.5m by 2.9m;
- b. 0.25 visitor parking spaces should be provided for every dwelling. Only 21 spaces have been provided, when 50 spaces are required by the standard. While extra spaces may have been provided for some dwellings these will not be available for use generally and this could lead to inappropriate or unsafe parking;
- c. In a number of places the parking bays are set back from the footway. This can lead to inappropriate parking and vehicles encroaching on the footway.

8. A number of additional design issues have been identified which effect the safety and efficiency of the highway within the application site, these include:

- a. Turning heads should be set-out in accordance with the Essex Design Guide including the overhang strips etc. The turning heads at plots 166, 146 and 181
- b. Providing continuous footways alongside the estate roads to assist pedestrian movement through the development.
- c. Simple footway crossovers should be provided to drives instead of the proposed bellmouths.
- d. All vegetation should be clear of the adoptable highway to prevent obstruction. For example in the vicinity of plots 142 and 146.
- e. Pedestrian / vehicle visibility splays should be provided where drives or footpaths join the adoptable highway. These areas should be clear of obstructions above 600mm in height. (This includes fences and planting etc)
- f. The road junctions adjacent to plots 34, 134 and 152 need clarification regarding priorities etc.
- g. The visibility splay southwards from the road between plots 34 and 134 should be drawn tangentially to the curve in the road adjacent to the flank wall of 134.
- h. The roads between 154, 159 and fronting plots 9-12 should be constructed as private drives with an appropriate footway crossover.
- i. There are two instances where independent footpaths meet the estate road with no footway on the opposite side of the road. (See op. plots 34 and 159)
- j. Private drives should meet the highway within 100 of perpendicular. (plots 6166).
- k. Private drive for plot 166 has been indicated crossing the footway at the radius of the adjacent turning head.

***Revised plans have since been submitted and re-consulted on 22.11.2016 awaiting ECC Highways revised response.***

***Following amendments further informal comments received dated 9.12.2016:***

- 1. Visibility Drawing 16B
  - a. The forward visibility splay on proposed Link Road at the first corner as it goes into the site goes outside the red line and is therefore not in the control of the applicant to keep clear.
  - b. The visibility splays at the junction of roads 4 and 6 appear on the plan to be blocked by structures the tracking in this area (TL16) also shows that at times vehicles will be on the wrong side of the road so this could lead to conflicts between vehicles.
  - c. The access and visibility splays shown onto Radwinter Road are not appropriate to the speed of the road and do not take into account 3rd party land. Those conditioned in the outline application decision should be applied.
  - d. Where the forward visibility splays are across open spaces a mechanism will need to be put in place to ensure that they are kept free of vegetation over 0.6m

high in perpetuity

2. Road geometry Drawing 19C

The tracking shows that in a number of places vehicles have to use both sides of the road to get round junctions, where appropriate these could be addressed on minor roads by localise widening. Specific issues have been noted below in particular those that effect the link road.

a. TL1 The tracking shows that the refuse vehicle could not access the minor road from the Link Road if a vehicle were waiting to turn, leading to conflict at the junction and waiting on link road. The proximity of the two junctions in this area could increase the conflict between vehicles at this point.

b. TL5 The tracking shows that in order to turn left onto the minor road from the Link Road the vehicle has to cross the centre line of the Link Road causing conflict with oncoming traffic.

c. TL9 The turning head is too small and should be a type 3 to the specifications in the Essex Design Guide.

d. TL13 The tracking shows the vehicle going right to the boundary of the property and appears incomplete. If a bin lorry is to access this point and the road be adopted, a type 3 turning head is required.

3. The access to the school is shown to be on a cul-de-sac.

a. This is not acceptable as it will cause issues for pupils accessing the school by all modes of transport and lead to conflict between vehicles and vehicles and pedestrians and inappropriate parking.

b. The type 5 turning head is not adequate for the number of vehicles expected in this area as it could lead to conflict between vehicles and between vehicles and pedestrians on the highway leading to potential highway safety issue.

c. Visitor parking should be provided around the vicinity of the school to help mitigate inappropriate parking which could become a highway safety issue as well as a nuisance to local residents.

4. The parking provision is below that of the Essex Parking Standards (2009).

a. 0.25 visitor parking spaces should be provided for every dwelling. Only 32 spaces have been provided, when 50 spaces are required by the standard. While extra spaces may have been provided for some dwellings these will not be available for use generally and this could lead to inappropriate or unsafe parking. Visitor parking should be distributed across the site.

5. On the roads identified as 20mph speed limit, traffic calming measures are required every 60m if the design does not restrict speed.

The planning consent for the outline application requires the following conditions to be met. The most efficient way to so this would be to identify them in this reserve matters layout.

- Condition 13 of the planning consent requires details of the bus services and bus stops to be provide before first occupation.
- Condition 5 Details of the pedestrian cycle link to the southern boundary of Tesco's Store site to be submitted prior to implementation.

While it is acknowledged that the area shown on TL13 is a private drive. The tracking shows the vehicle going right to the boundary of the property and appears

incomplete. If a refuse vehicle is to access this point a type 3 turning head is required.

The land supplied for the education facility is enough to provide the required size of school and the appropriate staff parking.

***NB: Amended plans have been received 21.12.2016 of which ECC Highways have been re-consulted. Their comments shall be verbally reported at the Planning Committee.***

### **ECC Education**

#### 8.11 Comments received 31.10.2016

Concerns over location of access to the school. There are a number of problem associated with having an access at the end of a cul-de-sac in the interim. And, long term the impact of the link road running parallel with the school. Education site causes 'traffic honeypots' with insufficient parking and no vehicular circulation in the interim. The environment around the school poses a safety to children. The link road is highly likely to have a high level of vehicular movements including local bus services and it is to be a 30mph zone with no traffic calming. Noise and air pollution may thereby have a negative impact on the learning environment.

The school should be accesses via estate roads with appropriate vehicle circulation routes along with wide footpaths to accommodate for the increased footfall. There should be a safe pedestrian realm to which children can egress to the end of school/pre-school day.

It should be noted that second point of access to the education site for emergency purposes and ground maintenance is desirable.

ECC is waiting for further information from the applicant:

- How will vehicular turn at the end of the road to serve the school;
- The sufficiency of visitors parking near the vicinity of the school;
- The phasing of the development in relation to the delivery of the school/early years and child care facility;
- How the site complies with the S106 agreement;
- 

Until this information is received unable to confirm that the educational land would be suitable for its intended use and **therefore this letter should be treated as a holding objection.**

### **Landscaping Officer**

#### 8.12 The submitted soft landscaping details and maintenance and management plan are considered to be satisfactory.

The schedule of submitted drawings refers to drawing No. 20530-12A Play Area Proposal, however, this plan does not appear to have been submitted.

#### Comments received 28.11.2016

The play area proposals as set out in dwg.No. LIN20530-12 Revision (A) are considered satisfactory.

#### Comments received 28.11.2016 – on amended landscape plans

The landscaping and play area details as set out in revised dwg. No. LIN20530-12 Rev.B are considered satisfactory.

### **ECC Ecology**

#### 8.13 **3.11.2016**

No further comments to add.

### **ECC Archaeology**

- 8.14 Thank you for consulting the Historic Environment Advisor on the above application in relation to its archaeological impact.

The whole area has been trial trenched which identified no significant surviving archaeological deposits on the development area. Therefore on our present knowledge there would be no further archaeological recommendations on this site.

### **Affinity Water**

- 8.15 Comments received 10.10.2016 & 23.11.216

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Debden Road Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

### **Environmental Health**

- 8.16 Comments received 12.09.2016

#### Noise Impact

The retirement village approved under UTT/13/3467/OP is not included in the present application, so the impact of traffic from Radwinter Road does not need further consideration at present.

A condition is recommended to protect against noise disturbance from domestic air source heat pumps.

#### Air Quality

The submitted Construction Environmental Management Plan is accepted as a suitable scheme to protect neighbouring properties from dust impacts during the construction phase.

Condition 3 on UTT/13/3467/OP requires that this scheme be implemented.

### **Natural England**

- 8.17 Natural England has no comments to make on this application.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.

Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

### **Anglia Water**

- 8.18 Our engineer has now assessed the proposal for Land South of Radwinter Road, Saffron Walden in relation to the Reserved Matters in which we were consulted. We can confirm the following in regards to our response:

We have reviewed the applicant's submitted foul drainage information, and consider that the impacts on the public foul sewerage network have been adequately addressed at this stage.

We request that we are consulted on any forthcoming application to discharge Condition 15 of the outline planning application to which this Reserved Matters application relates, which requires the submission and approval of detailed foul drainage information.

We have reviewed the applicants submitted surface water drainage information, and the proposed method of surface water management does not relate to Anglian Waters operated assets.

As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involved the discharge of water into a watercourse.

Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

## **9. REPRESENTATIONS**

- 9.1 The application has been advertised on site and within the local press. Neighbouring residential occupiers have also been consulted of the application. As a result 25 objections have been received all of which raising the following points:

- Object
- Outline should not have been granted
- SW cannot support a scheme of this size,
- No infrastructure available in terms of school capacity, medical, traffic, transport networks
- Scheme would kill the town
- Impact of historic fabric
- Pollution/congestion/noise
- Wrong side of town
- Inadequate roads unable to cope
- Highway and pedestrian safety
- Alternative by pass route proposed
- Impact upon amenity as a result of traffic
- Too bigger scheme for the town/ amount of development within SW
- No different to decision making
- No explanation for decision
- Bowing to government pressure
- Scheme should be in the form of a new settlement
- Access to industrial estate which is already heavily congested with on-street parking, impact on businesses



- Cannot see how school demand would be met
- No detail of link road, bus transport and safe cycle paths
- Improvements should be ahead of development
- Only one access into scheme which would cause junction problems
- Access between Tesco's and Shire Hill is impractical
- Traffic reports states that there has been no change have not taken account of other development
- £30k contribution to highways is insufficient
- Impact on wildlife
- No sign of program of works for school or road
- Unauthorised advert regarding acquiring of land
- There is a requirement to build good homes of all sizes and availability
- Wrong to a route for major traffic into farm and Shire Hill
- Amenity should be provided first before dwellings

## 10. APPRAISAL

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

- A Design**
- B Mix of Housing and Affordable Housing**
- C Road Design and Car parking**
- D Landscape Impact and Biodiversity**
- E Flood Risk and Drainage**
- F Other Considerations**

### A Design

- 10.1 A number of the points raised by third parties in Section 9 have been discussed and approved at outline stage.
- 10.2 With regards to the proposed design of the scheme the NPPF; also Local Plan Policy GEN2 seeks for quality design, ensuring that development is compatible in scale, form, layout, appearance and materials. The policies aim to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole seeking high quality design.
- 10.3 As to whether the scheme would be compatible with the character of the settlement area and countryside, the scheme would see the development of countryside, an open area of field, which has been principally agreed. A scheme has been designed around the provision of various formal and informal open spaces providing a low density development. The density of the proposed development would be well below of that reflected in national policy and the Essex Design Guide at 15.5 dph.
- 10.4 The proposed dwellings would be a mixture of heights. Three storey dwellings would be located along the main formal road route through, at the site's lowest ground level, and then rest of the site would provide a mix of 2 storey with occasional 2.5 storeys. The buildings would vary in height from 5.7m to 6m for bungalows, 8m-9.4m for 2 storeys, 9.2m-10.8m for 2 ½ storeys, also 10.8m-12m for 3 storeys.
- 10.5 It has been stated within the Supporting Planning Statement that "*the majority of the dwellings are two storey and 2 ½ storeys. The use of 10 x three storey dwellings and two x 3-storey apartment buildings is proposed in order to create a more formal*

*character along the avenue and interest to the streetscene and create gateway buildings. The location of the taller buildings has been carefully considered to ensure that they do not intrude in the countryside view or unnecessarily dominate the townscape.”*

- 10.6 This is in accordance with the information set out within the Design and Access Statement of the outline planning application and the design principles which were identified and set out. Therefore, the development is in accordance with the height parameters which were approved at outline stage.
- 10.7 It has been stated within the Supporting Planning Statement that the size of the three storey buildings are consistent with other buildings in the locality around the hospital, Elizabeth Way and Radwinter Road. However, it should be noted that the buildings which would be located on the proposed main road of the site, to the north, overlooks Tesco's, which is a large commercial building in itself and its car park.
- 10.8 The spine road with its formal setting and taller dwellings would be softened through the creation of a tree lined avenue. Behind this would be more of an informal design approach creating a 'suburban' context based on typical traditional Essex vernacular. This is the case particularly along the southern edge of the site where it is more sensitive being adjacent to fields and at the higher ground level.
- 10.9 A number of green spaces are proposed which again follow the design principles and the illustrative masterplan of the outline planning application. All the green spaces to be provided have been designed to have natural surveillance as the dwelling overlook the greens. This is in accordance with designing out crime principles and Policy GEN2 of the Uttlesford Local Plan.
- 10.10 An area of locally equipped play has been provided within the core of the site. Ample amenity space is proposed as part of the scheme to serve the development.
- 10.11 There would be no overlooking as the dwellings have been sited respecting the required back to back distances of 25m as recommended within the Essex Design Guide. This is taking into account other dwellings which have been orientated away.
- 10.12 The Essex Design Guide (2005) recommends 50 square metres for up to 2 bedroom units and 100 square metres of garden space for 3 plus bedroom dwellings. All the dwellings meet or exceed this in accordance with EDG, with the exception of Plots 20, 79, 80 & 81 which are marginally short.
- 10.13 The dwellings are stated would be designed to sustainable standards.
- 10.14 Overall the application is in accordance with Local Policy GEN1, and GEN2, the Essex Design Guide and the NPPF.

## **B Mix of Housing and Affordable Housing**

- 10.15 Local Plan Policy H10 seeks that residential schemes provide a mixture of house sizes. The application is stated to provide a balance mix of dwellings. The scheme provides a good mix of dwellings. Overall approximately 30% are one or two bedroom dwellings, 25% are three bedroom units and 45 % being 4 and 5 bedroom dwellings. 10 bungalows are provided on site in accordance with Council requirements of 5% provision of wheelchair accessible units. The scheme is therefore considered to be in accordance with Local Plan Policy H10.

- 10.16 Policy H9 requires that 40% affordable housing is provided on sites having regard to market and site conditions. A total of 80 affordable dwellings are proposed meeting the 40% requirement in accordance with Council policy and the terms of the S106 Agreement.
- 10.17 The clustering of affordable housing would be limited to no more than 10 units, by virtue of the proposed affordable dwellings and the layout. The affordable housing mix of 2 and 3 bedrooms complies with the needs identified by the Council, and provides a 75-25% split between rented and shared ownership. No objections have been raised by the UDC Housing Enabling Officer. As such the application complies with Policies H9 and H10 of the Local Plan and the requirements of the NPPF.

### **C Road Design and Car parking**

- 10.18 Local plan policy GEN1 states “*development will only be permitted if it meets all of the following criteria;*
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.*
  - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.*
  - c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.*
  - d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expects to have access.*
  - e) The development encourages movement by means other than driving a car.”*
- 10.19 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework. An updated Transport Assessment has been submitted as part of this application of which comparisons have been drawn with the previous outline TA statement. It has been concluded that the data previously agreed with ECC was robust and largely over estimated impact of the proposed scheme and that there would be a reduction during peak hours of traveling between the residential dwellings and the school. No adverse impact upon the local highway network has been concluded.
- 10.20 Whilst a number of the third parties have raised highway safety issues, capacity and the location of the development, the principle of the development, including the level of vehicle movements, has been accepted at outline stage and therefore does not form part of the consideration of this application.
- 10.21 This reserved matters application includes details of the internal road layout, internal road priorities and its connectivity. A number of roads through the site have been provided up to the boundary with the southern boundary to allow for future development should this come forward.
- 10.22 The details of the public footpaths/cycle paths through the site in connection with the surrounding area is acceptable and provides a good form of alternative means of traveling to and from the site, encouraging walking and cycling, in accordance with Local Plan Policies GEN1 and GEN2, also in accordance with the principles of sustainability engrained within the NPPF.

- 10.23 In terms of car parking standards the Essex Parking Standards (2009) seeks for 1 car parking space for up to 2 bedroom units, 2 car parking spaces for 3 bedroom units and the Uttlesford Local Parking Standards (March 2013) seeks 3 car parking spaces for 4 plus bedroom dwellings, with a visitors parking provision of 0.25 spaces per dwelling. A breakdown of the proposed parking provision is highlighted in the table in **Appendix B**. This demonstrates that the scheme meets and exceeds the parking standards (minimum) requirement in accordance with standards and Local Plan Policy. A number of the dwellings over provide on plot parking to take account of the visitor's parking spaces. As it would be visitors to the proposed dwellings that would be largely generating visitors it is a practical way of addressing this on site as opposed to be providing solely on-street visitors parking spaces which could cause highway and pedestrian safety issues. This approach has been accepted on a number of other large development sites within the District.
- 10.24 The car parking spaces and the proposed garages appear to comply with the Standard's sizes. Condition 10 of the outline consent UTT/13/3467/OP requires the size of parking spaces and garages to comply with Essex Parking. This is acceptable and in accordance with the adopted Parking Standards above, also Policy GEN2 and GEN8 of the Uttlesford Local Plan.
- 10.25 ECC Highways have raised objections over a number of points as discussed in Section 8.10. These fundamentally relate to visibility splays, swept path analysis, placement of parking spaces in relation to crossovers, and visitor parking provision, also Section 278 of the Highway Act items.
- 10.26 Amended plans have been submitted in order to address the points which have been raised by Highways. These include visibility splays, placement of parking bays in relation to the highway, also turning tables near the school. Following further comments from ECC Highways the plans have been further amended to address their concerns.
- 10.27 With regards to S278 concerns, such as speed restrictions and traffic calming measures, these are not for consideration under this application and would be dealt with separately by ECC Highways when agreeing technical drawings post planning, should planning permission be granted.
- 10.28 Details of hierarchy and function and type of the roads have already been submitted as part of the initial submission within the Design Compliance Statement.
- 10.29 Whilst concerns have been raised regarding the lack of no-street visitors parking an over provisions of parking spaces have been provided on plot. Out of a total of 50 visitor's parking spaces required 38 have been provided on-street and the rest on plot. This approach is considered to be acceptable as the visitors would be generated as a result of the residential dwellings and this would, in theory, reduce the level of on-street parking. Such an approach has been accepted on numerous other sites. Therefore, no objections are raised in this respect.
- 10.30 Concerns have been raised by ECC Highways during the course of assessing the application regarding the location of the 'link road' and its implications. Highways are seeking for the alignment of the main road through the site to be more direct north to south as opposed to the north-westerly to southern approach which is proposed. This has been addressed by the application through a statement of submission. The proposed layout of the scheme follows that of the illustrative masterplan and would be to the size and type of road as conditioned within the outline consent. It accords with the terms of the outline consent. No objection was

raised at outline stage by ECC Highways and a number of other roads within the scheme have been provided up to the southern boundary which would ensure permeability and no land locking, subject to conditions should planning permission be granted. Also, it is considered that the alignment of the road has already been predetermined through the acceptance at outline stage of the secondary access from Shire Hill Estate to the approved link road size and position.

## **D Landscape Impact and Biodiversity**

- 10.31 The visual impact of the proposed development has been considered as part of the outline planning application. As part of the reserved matters the details of the landscaping scheme need to be considered as to whether it is acceptable. A Landscape Management and Maintenance Plan, together with a specification report have been submitted as part of this application. This highlighted that the existing trees would be retained and protected during the construction of the development. A mixture of lawn private amenity areas, wildflower grassland communal areas and formal planting such as trees, hedgerows and shrubs are proposed. Water bodies are also proposed which would form a dual function in terms of landscaping and performing as a sustainable drainage system. As stated above there would be different characterised zones within the proposed development of which planting would help form a function. An area characterised as the 'Avenue' which is formal to more suburban areas along the south, south-eastern part of the site around proposed open spaces.
- 10.32 An area of local equipped area of play (LEAP) with various play equipment is proposed in the core of the site.
- 10.33 A management company is proposed to manage communal areas, unless adopted by the Town Council.
- 10.34 The principle of the landscaping scheme is considered acceptable. No objections have been raised by the Landscape Officer. In this respect the scheme accords with Local Plan Policy GEN2, S7, GEN7 and ENV8.
- 10.35 In terms of airport safeguarding BAA have raised no safeguarding objections to proposal.
- 10.36 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.
- 10.37 In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. Case law has established that local planning authorities have a requirement to consider whether the development proposals would be likely to offend Article 12(1), by say causing the disturbance of a species

with which that Article is concerned, it must consider the likelihood of a licence being granted.

- 10.38 The tests for granting a licence are required to apply the 3 tests set out in Regulation 53 of the Habitats Regulations 2010. These tests are:
- The consented operation must be for "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"; and
  - There must be "no satisfactory alternative"; and
  - The action authorised "will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".
- 10.39 The ecological survey has been undertaken, submitted and assessed as part of the outline planning application. A number of recommendations have been made in order to mitigate and enhance biodiversity of which these have been conditioned as part of the outline application and would still need to be adhered to.
- 10.40 An updated ecological report and a Biodiversity Mitigation and Enhancement Plan have been submitted as part of this application due to the level of time which has lapsed since the initial surveys have been carried out to address condition 8 and 6 of the outline consent.
- 10.41 Whilst this aspect was assessed at outline stage and does not fundamentally affect the principle of the development, however any new evidence of would need to be mitigated and addressed. The updated report highlighted a number of habitats present but not supporting protected species such as badgers, bats, reptiles and Great Crested Newts. It was confirmed that a number of important hedges would be retained supporting bird nesting. The scheme would provide an enhancement to biodiversity as there would be an increase in landscaping on site and the creation of water bodies for SUDs would provide new habitats.
- 10.42 As a result no objections have been raised by ECC Ecology on this basis, particularly as there are conditions as part of the outline consent relating to Wildlife Protection Plans, and Biodiversity Mitigation and Enhancement Plan. The scheme therefore is considered to accord with Local Plan Policy GEN7, and NPPF.

## **E Flood Risk and Drainage**

- 10.43 The application site is located in Flood Risk Zone 1 and has a low probability of the risk of flooding. Local Plan Policy GEN3 states that development would only be allowed if it does not increase the risk of flooding. A Flood Risk Assessment has been submitted as part of the outline application.
- 10.44 A detailed drainage scheme has now been submitted as part of this application. This states that the development would proceed in accordance with the detailed surface water drainage scheme submitted as part of the application and in accordance with the Flood Risk Assessment, which was submitted as part of the outline application. This highlighted that there would be preference provided to infiltration drainage where possible and the restriction of run-off and surface water storage on site. ECC SUDs had initially raised an objection on the lack of information surrounding the use and the impact of infiltration methods upon the chalk aquifer and its potential for geohazards.

- 10.45 Further information has since been submitted to address ECC SUDs concern. ECC SUDs are now satisfied with the additional information subject to further information being submitted and dealt with under condition 14 of the outline consent for further approval.
- 10.46 With regards to the prevention of the watercourse contamination, the development site falls within Groundwater Source Protection Zones and overlies a Principal Aquifer. The Environment Agency have suggested conditions at outline stage relating to details of surface water drainage and details of pollution control measures to be submitted for approval. This is in accordance with Local Plan Policy ENV12.
- 10.47 It has been confirmed that the SUDs would be maintained and managed by a management company which would be set up by Linden Homes to ensure the attenuation areas are positively managed.
- 10.48 This accords with Local Plan Policy GEN3 and the NPPF.

## **F Other Considerations**

- 10.49 In terms of the school provision as per the Section 106 Obligation which was secured through the outline consent, ECC have raised an objection regarding a number of points as outlined in Section 8.11. The concern over the location of the school is considered to be unreasonable particularly as the need for the school and its location was not objected to under the outline stage. In terms of the possibility of the school being at the end of a 'cul-de-sac' due to the timings of sites coming forward this was always a risk in occurring, as long as it can be demonstrated that vehicles can adequately and safely turn then the principle of this is acceptable. The required additional land for expansion would only be required and occur if the land to the south would come forward in the future.
- 10.50 With regards to the provision of sufficient visitors parking and additional access for the school, it is down to the education provider to cater for the schools needs when a separate application for the school is submitted. The applicant in this case is only reasonably expected and required to provide the land for the school in a suitable condition as per the terms of the S106 Obligation and to ensure that adequate parking is provided for the residential element. Nonetheless, the applicant has amended the plans to allow a turning head opposite the school and has altered Plot 200 access point to provide 45m of non-dwelling frontage to allow for on-street parking. The road is wide enough to cater for passing traffic together with on-street parking.
- 10.51 In terms of the phasing of the development in relation to the delivery of the school/early years and child care facility; and how the site complies with the S106 agreement these are points which need to be agreed between the applicant and the Education Authority and it is not a matter for consideration at this reserved matters stage. The development is bound by a list of clauses which would need to be accorded with in terms of the condition of the school land and how it should be handed to the Local Education Authority.
- 10.52 In terms of air quality an updated Air Quality Assessment has been submitted as part of this application. This highlighted no significant impact as a result of the development. Nonetheless, it should be noted that this aspect was assessed at outline stage and was considered to be acceptable subject to conditions. A construction management plan has been submitted as part of the application to address condition 3 and 20 of the outline consent relating to air quality and the

expose of noise during the construction phase of the development. The report identified sensitive receptors which are likely to be affected by the works. The potential risks and sources of nuisance have been identified and a number of mitigation measures have been identified in order to address this. Monitoring, storage away from sensitive receptors, and the construction of haul roads would reduce dust emissions. Dust suppression through water spraying and roads swept clean, reduction of on-site speed limits, limiting traffic construction vehicles, and limiting significant earthworks on dry windy days are some of the other mitigation measures proposed amongst other things.

- 10.53 No objection has been raised by Environmental Health subject to a condition relating to domestic air source heat pumps and the protection against noise disturbance.
- 10.54 ECC Archaeology has raised no objections in accordance with Local Plan Policy ENV4.

## **11. CONCLUSION**

The proposed design, layout, size, scale, appearance and landscaping of the scheme is acceptable. No unacceptable impact is considered upon residential (both existing and proposed) or surrounding local amenity as a result of the design. All Statutory consultees, namely ECC SUDs and UDC Landscaping Officer, have been satisfied subject to conditions. Issues surrounding ECC Highways concerns have been addressed through revised plans. The reserved matter details are in accordance with Local Plan Policies S7, GEN1, GEN2, GEN3, H9, H10, GEN7, GEN8, ENV4 and ENV8, Essex Parking Standards, Uttlesford Local Parking Standards, Essex Design Guide, National Planning Framework, and the Planning Practice Guidance.

## **RECOMMENDATION – APPROVAL WITH CONDITIONS**

### **Conditions**

1. Any heat pumps installed shall meet the MCS planning standard with respect to noise.  
  
REASON: To protect the amenity of adjacent properties in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).
2. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and each garage shall be 7.0m x 3.0m for single garage and 7.0m x 6.0m for a double garage (internal dimensions).  
  
REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety, and in accordance with Policy GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).
3. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.  
  
REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted



2005).

4. (a) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree or shrub be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- (b) If any retained tree or shrub is removed, uprooted or destroyed or dies, another tree or shrub shall be planted at the same place and that tree or shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
- (c) The erection of fencing for the protection of any retained tree shrub or hedge shall be undertaken in accordance with details approved in writing by the local planning authority to comply with the recommendation of British Standard 5837:2005 (Trees in relation to construction) before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. No fires shall be lit within 20 metres of the retained trees and shrubs.

In this condition 'retained tree or shrub' means an existing tree or shrub, as the case may be, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the date of the occupation of the building for its permitted use.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity, in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

5. The estate roads hereby permitted adjacent to the south boundary of the application site shall be continuous roads up to the boundary without the creation of ransom strips, or landscaping buffers.

REASON: In the interest of ensuring continuity between developments in the interest of highway and pedestrian safety and the prevention of land locking, in accordance with Policies GEN1, GEN2 and GEN6 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

6. Before development commences samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

7. Before development commences details of boundary railings with piers, retaining

walls, post and rail, also shared boundary subdivision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

REASON: To ensure a satisfactory standard of development in the interests of visual and residential amenity, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

8. The first and second floor flank windows on the approved dwellings, with the exception of Plots 1, 8, 9, 15, 25, 26, 34, 37, 38-46, 50, 51, 61, 66, 75, 89, 90, 94, 134, 152, 156, 157, 159, 165, 173, 181, 185, 187-195 and 200 shall be obscure glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall thereafter be retained in that/those window(s).

REASON: To avoid overlooking of the adjacent property in the interests of residential amenity, in accordance with Policy GEN” of the Uttlesford Local Plan (adopted 2005).

## APPENDIX A

### UTT/13/3467/OP (SAFFRON WALDEN)

(MAJOR)

<b>PROPOSAL:</b>	<b>Outline planning application for either a residential development of up to 230 dwellings; Class B1 Business floorspace, extra care housing within Class C2, provision of public open space or for development of up to 200 dwellings, Class B1 Business floorspace, extra care housing within Class C2, provision of public open space, provision of land for a one form entry primary school; together with associated infrastructure including roads, drainage, access details from Radwinter Road and Shire Hill, with all matters reserved except access</b>
<b>LOCATION:</b>	<b>Land South Of Radwinter Road Radwinter Road Saffron Walden</b>
<b>APPLICANT:</b>	<b>Manor Oak Homes</b>
<b>AGENT:</b>	<b>Framptons</b>
<b>EXPIRY DATE:</b>	<b>18 April 2014</b>
<b>CASE OFFICER:</b>	<b>Maria Shoesmith</b>

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#### 1. NOTATION

- 1.1 Outside Development Limits Airport Safeguard Zone

#### 2. DESCRIPTION OF SITE

- 2.1 It covers a rectangular area of land with three 'fingers' extending northwards two of which front Radwinter Road. A further element of land which extends southwest along the edge of development limits and the Shire Hill industrial estate. The site comprises of four arable fields varying in sizes and one field which is under pasture. The ground level rises from north to south of around 81AOD (above ordnance datum) to 100 AOD towards Shire Hill Farm before sloping back down to Thaxted Road.
- 2.2 The application site is located east of Saffron Walden and would form an urban extension of the town. It is adjacent to residential dwellings to the northwest, southwest and northeast, Wild Hedges and Turnip Hall Farm; Shire Hill Farm is located to the south of the application site. The Shire Hill industrial estate is located west and abuts the application site, and Tesco is located to the north of the site.
- 2.3 The character of the area surrounding the application site changes from one which is of an urban nature, to commercial/industrial, to one that is countryside. Radwinter Road forms a valley with a drainage ditch that runs along the boundary frontage, and thereafter the ground levels raising back up again northwardly.
- 2.4 The site falls within Flood Risk Zone 1 whereby there is low risk of flooding from rivers. There are no other sources of flooding sources identified. The application site falls 300metres east of the Saffron Walden Air Quality Management Area, and north

of the application is the MoD fuel storage depot.

- 2.5 The site as a whole covers an area of 13.9 hectares.
- 2.6 There is no designated public footpath that runs through the site apart from an informal pedestrian route which connects Shire Hill to the rear of Tesco. There are footpaths, bridleway and byway run south and outside of the site and to the west of the application site along Radwinter Road are public footpaths to Swards End.
- 2.7 As part of the application it is proposed that primary access is taken from Radwinter Road and secondary access from Shire Hill.
- 2.8 The application site forms part of Saffron Walden Policy 1 as a draft allocated site within the emerging Draft Local Plan.

### **3. PROPOSAL**

- 3.1 The application is for outline planning consent for either a residential development for the erection of up to 230 dwellings; 1,800 sqm Class B1 Business floorspace, extra care housing (Class C2), provision of public open space or the alternative option for development of up to 200 dwellings, 1,800sqm Class B1 Business floorspace, extra care housing (Class C2), provision of public open space, provision of land for a one form entry primary school; together with associated infrastructure including roads, drainage, access details from Radwinter Road and Shire Hill, with all matters reserved except access. Landscaping, Sustainable Urban Drainage features, play areas and a network of public footpaths, cycle routes and green corridors would be integral to the development.
- 3.2 The scheme would provide 40% affordable housing with a mixture of tenure, both rent and shared equity. 5% bungalows will be provided across all tenures.
- 3.3 The application would involve the necessary highway improvements/contribution towards highway improvements in order to accommodate the proposed development. The access is the only detailed part of the application. Primary access is proposed to be taken from Radwinter Road and secondary access from Shire Hill. As part of the scheme it is proposed to implement a link road through the site future intension of to connect with the adjacent site to the south, to allow for the ability of linking up with Thaxted Road in the future.
- 3.4 Within the master plan some of the key design principle would be to maintain green corridors both in terms of open space, preserving and enhancing wildlife, residential landscape buffer zone between the proposed and the existing uses. The average density across the site would be 35 dwellings per hectare.

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

- 4.1 The application proposes a vision of "The creation of a carefully designed new district, providing homes, a retirement village and businesses accommodation set within a high quality public realm including landscaped greens, avenues and squares that positively contributes to Saffron Walden and creates a new, stimulating place to live".
- 4.2 The following documents have been put together and submitted in support of the application;

- Design and Access Statement (McBains Cooper, December 2013)
- Arboricultural Method Statement (First Environmental Limited, December 2013)
- Extended Phase 1 Habitat Survey (First Environmental Limited, December 2013)
- Planning Statement (including Housing, Affordable Housing and Sustainability Statement (Framptons, December 2013)
- Framework Residential Travel Plan (JPP Consulting, December 2013)
- Framework Workplace Travel Plan (JPP Consulting, December 2013)
- Transport Assessment
- Design Stage Waste Management Plan (JPP Consulting, December 2013)
- Incoming Services Appraisal (JPP Consulting, December 2013)
- Flood Risk Assessment (JPP Consulting, December 2013)
- Air Quality (REC, 13 December 2013)
- Noise Impact Assessment (REC, 20 December 2013)
- Phase One Desk Study Report (Environmental Management Solutions, 20 December 2013)
- Ecological Impact Assessment (First Environmental Limit (11 September 2013)
- Statement of Community Involvement (Framptons, December 2013)
- Executive Summary of Archaeological Desk-based Assessment (Oxford Archaeology, December 2013)
- Incoming Service Appraisal (JPP Consulting, December 2013)
- Arboricultural Method Statement (Revision A) (First Environmental Limit (December 2013)
- Landscape and Visual Impact Assessment & Appendices (First Environmental Limit (December 2013)

4.2 The proposed scheme will include the following elements;

- Contributing to the Council's housing shortfall by delivering new housing, affordable housing, through the provision of up to 230 dwellings in a variety of types, size and tenure;
- Series of Play and open spaces in compliance with policy;
- Deliver new areas of employment by providing up to 1,800 m<sup>2</sup> of use class B1;
- Providing accommodation for the elderly by providing a retirement village (use class C2);
- A high quality road to link to Shire Hill and road connection to enable future link from Radwinter Road to Thaxted Road.
- New single form entry primary school

4.3 The Design and Access Statement notes the character of Saffron Walden and how the architecture alters.

4.4 The illustrative scheme proposes three design concepts for the scheme which involve green infrastructure the creation of a network of multi-functional green spaces that harnesses ecological benefits such as a linear park, various landscape characteristics and landscaped open spaces footpaths and cycle paths. The second design concept involving the 'movement' allowing the connection with the Kier homes site in order to promote sustainability and the creation of various forms of routes through the site to allow for various modes of travelling. The last design concept is 'place' integrating the development with the surrounding area.

4.5 The application site is an important gateway location to the town and will also form a new edge to the settlement, both of which bear high responsibilities for a high and sensitive standard of design.

4.6 In terms of the benefits from the proposed scheme these have been listed as the following;

- A residential led mixed use development resulting in efficient use of the site;
- Delivery of a high mixed use development with a sustainable and viable mix of uses that complement and enhance the area's existing offer and contribute to local planning targets, deliver significant open space improvements, whilst maximising the development potential of the site;
- The site is located within Saffron Walden Policy 1 of the Draft Local Plan which is identified for the delivery of significant numbers of new homes and employment. Approximately 200/230 new dwellings will be provided and 102 extra care homes. This represents a major contribution of housing delivery in the District, including high quality family housing in an area of housing need;
- A significant provision of affordable housing;
- Employment is provided in the form of 1800 square metres of employment floorspace and the extra care development. Approximately 247 new FTE jobs will be created in the operational phase and 1265 jobs (direct and indirect) will also be created during the construction phase;
- The creation of employment opportunities close to where people live and the promotion of economic growth;
- The possible provision of 1.2ha of land for one form entry primary school;
- Delivery of up to 3.41ha of open space including the creation of linear parks, landscape links and local play areas. This would create new places for visitors, residents and workers;
- Benefits as set out in the draft Section 106 heads of terms include the contributions to local social infrastructure such as education, healthcare, public open space, and playspace;
- Significant enhancement to the ecology of the site including increase in tree planting;
- Achieving development in a sustainable location, with easy access to pedestrian routes, local facilities and amenities and close to public transport including train and bus routes minimising the need to travel by car;
- Promotion of sustainable transport through significantly improved connectivity and permeability through the local area;
- Provision of a high standard of design and construction that will be able to provide a high standard of accommodation in terms of residential amenity;
- Use of sustainable construction methods incorporating a renewable energy strategy

#### **Statement of Community Engagement:**

4.6 A Statement of Community Involvement (SCI) has been submitted as part of the application. A public exhibition was held at the Town Hall Wednesday 27 November 2013 between the hours of 3pm - 8pm. This was advertised by way of public notice in the Saffron Walden Reporter, also posted at the Town Hall and at Tesco Radwinter Road. A letter of invitation to the exhibition was sent out to a total of 730 residents within the immediate vicinity. Detail of the exhibition was sent out to various Members. Copy of the notices, letters and exhibition boards have been submitted as part of the SCI.

4.7 The attendance feedback has been outlined within the SCI. The exhibition was stated to have been attended by 140 visitors in total and a total of 23 written

representations had been received following the exhibition. A full summary of the representations received have been included within the SCI.

- 4.8 The issues raised by the responses received are those which have been already summarised in Section 7 below. The principal concerns that have been raised during the exhibition were traffic and highway related matters, such as network capacity and scale of the proposed development in terms of increase in level of traffic moments.
- 4.9 Concerns have been raised at the exhibition relating to the increase in the population and implication upon facilities such as healthcare and education. Also, impact upon air quality particularly in Air Quality Management Areas. Following the public consultation and the comments received a number of detailed changes have been made to the application which include the following;
- The provision of a link road up to the applicant's ownership;
  - S106 mitigation to mitigate any potential transport and air quality impacts;
  - The potential provision of land for one form entry primary school

## **5. RELEVANT SITE HISTORY**

- 5.1 Below is a list of relevant major development which benefits from extant planning consent and current outstanding applications which are currently under consideration within Saffron Walden;
- 5.2 UTT/13/268/OP - Granite Site - Demolition of the existing buildings and redevelopment to comprise retail warehouse units and associated garden centre (Class A1), a discount foodstore (Class A1), and a cafe (Class A3), including associated landscaping, car park, access, internal roads and cycle/footway, including the provision of access to adjoining land. Granted subject to S106 Agreement 10th May 2013;
- 5.3 UTT/13/1937/OP - Land Behind The Old Cement Works, Thaxted Road - Outline application for up to 52 dwellings with all matters reserved except access – Granted subject to conditions and S106 September 2013;
- 5.4 UTT/0788/11/FUL – Site at Thaxted Road (part Granite site) - Erection of new petrol filling station and customer kiosk, new landscaping, access and associated works – Granted subject to conditions 7<sup>th</sup> November 2011.
- 5.5 UTT/0787/11/FUL – Granite site - Erection of new foodstore (use class A1) including cafe, automatic teller machines, surface level car parking, new access roundabout and highways works, landscaping servicing and associate works – Refused and dismissed at appeal 17<sup>th</sup> May 2012
- 5.6 UTT/2208/10/REN – Granite Site - Renewal of approved planning application
- 5.7 UTT/1788/07/OP for outline application (including layout, scale and access) for mixed use redevelopment to comprise: Class B1 offices, Class B1/B2/B8 Industrial, Storage and Distribution and Trade Park, Retail Warehouse Park and associated landscaping, access and internal roads and cycle/footways, including the provision of access to existing and proposed adjoining uses. Demolition of all existing buildings – Approved subject to S106 7<sup>th</sup> February 2012.
- 5.8 UTT/13/2060/OP – Outline application with all matters reserved except access for a residential development of up to 300 dwellings, pavilion building, extension to skate

park and provision of land for open space/recreational uses – Currently under determination and forms part of the wider allocation site Saffron Walden Policy 1 within the Draft Local Plan;

- 5.9 UTT/13/2423/OP - Outline application for redevelopment of the site to provide up to 1.25 ha of land to be used as a Builders Merchants and Yard (use Class B8), up to 0.47 ha of land to be used for offices and/or Research Development and/or Light Industrial (Use Class B1 (a), (b) and ( C)), up to 1.16 ha of land for use as Business, general Industrial and Storage and Distribution uses (Use Class B1, B2 and /or B8), a Local Centre of up to 0.86 ha for uses falling within Use Class A1, including a local retail store (with the net A1 retail floor space limited to 279m<sup>2</sup>), a café/ restaurant/ public house (Use Class A3 and A4), a hotel (Use Class C1), up to 167 dwellings including affordable housing (Use Class C3) to be provided on 4.78 ha of land, together with public open space, landscaping and the provision of supporting infrastructure including replacement substations, and the demolition of existing buildings, with all matters reserved except for access - Currently under determination also an allocation site within the Draft Local Plan;
- 5.10 UTT/13/1981/OP - 60 unit extra care facility resolved to be granted planning permission 20 November 2013;
- 5.11 UTT/13/1982/FUL - Detailed proposal for 52 dwellings with access from Radwinter Road including landscaping and associated infrastructure including demolition of existing buildings - refused planning permission 29 October 2013;
- 5.12 UTT/13/3406/FUL - Detailed proposal for 52 dwellings with access from Radwinter Road including landscaping and associated infrastructure – Resolved to be granted planning permission subject to S106.
- 5.13 UTT/12/5226/FUL - Erection of 31 sheltered apartments including communal facilities, access, car parking and landscaping – Granted planning permission 4 January 2013
- 5.14 Screening Opinions have been undertaken regarding the proposed development in the form of the following;
- UTT/13/3363/SCO – Mixed development of up to 230 homes (Class C3), up to 1,800 sqm of B1 office floor space, 60 extra care units (Class C2) and 42 sheltered units (Class C3) with areas of public open space, landscaping, parking and footpaths links and new access
  - UTT/13/3467/OP – A new Screening Opinion was further undertaken following the submission of the application which now included the option of a new single form entry primary school.
- 5.15 Under both Screening Opinions it has been concluded that an EIA would not be required for either schemes.
- 5.16 The application site has been promoted through the draft local plan process.

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework



## 6.2 Uttlesford District Local Plan 2005

- S7 Countryside
- GEN1 Access
- GEN2 Design
- GEN3 Flood Risk
- GEN4 Good Neighbourliness
- GEN5 Light Pollution
- GEN6 Infrastructure Provision to Support Development
- GEN7 Nature Conservation
- GEN8 Vehicle Parking Standards
- ENV4 Ancient Monuments and Sites of Archaeological Importance
- ENV5 Protection of Agricultural Land
- ENV12 Protection of Water Resources
- ENV13 Exposure to Poor Air Quality
- ENV14 Contaminated Land
- ENV15 Renewable Energy
- H9 Affordable Housing
- H10 Housing Mix
- LC2 Access to Leisure and Cultural Facilities
- LC3 Community Facility
- LC4 Provision of Outdoor Sports and Recreation Facilities Beyond Development Limits

## 6.3 Uttlesford District DRAFT Local Plan

- SP5 Meeting Housing Need
- SP6 Housing Strategy
- SP7 Phasing and Delivery of Housing
- SP8 Environment Protection
- SP9 Minimising Flood Risk
- SP10 Natural Resources
- SP11 Renewable Energy and Energy Efficiency
- SP12 Protection of the Countryside
- SP13 Protecting the Historic Environment
- SP14 Protection the Natural Environment
- SP15 Accessible Development
- SP17 Infrastructure
- SP18 Open Space
- EN1 Sustainable Energy
- EN2 Environmental and Resource Management
- EN3 Protection of Water Resources
- EN4 Surface Water Flooding
- EN5 Pollutants
- EN6 Air Quality
- EN7 Contaminated Land
- DES1 Design
- HE3 Scheduled Monuments and Sites of Archaeological Importance
- HE4 Protecting the Natural Environment
- TA1 Vehicle Parking Standards
- HO5 Affordable Housing
- HO6 Housing Mix
- INF1 Protection and Provision of Open Space, Sports Facilities and Playing Pitches
- INF2 Provision of Community Facilities beyond Development Limits
- INF3 Provision of Outdoor Sports and Recreation Facilities beyond Development

Limits

- Saffron Walden Policy 1 – Land between Radwinter Road and Thaxted Road and Land to the South of the Lord Butler Leisure Centre and West of Thaxted Road.

## **7. SAFFRON WALDEN TOWN COUNCIL COMMENTS**

7.1 A statement has been submitted by Walden Town Planning on behalf of Saffron Walden Town Council. This raised the following points;

- Traffic congestion
- Site removed from main destinations and routes to work
- Public Transport poor
- Sewerage not viable
- Site would detract from overall quality of area
- Community objection to development on eastern side of S/W-on the basis of principles of sustainability
- Lack of primary and secondary school places
- Site Integral and valued part of the rural landscape
- Development would be on “best and most versatile agricultural land” and should be protected
- Unacceptable risk from unacceptable levels of air pollution

## **8. CONSULTATIONS**

### **Sport England**

8.1 No comment

### **Affinity Water**

8.2 Within a Groundwater source Protection Zone, if pollution found appropriate monitoring and remediation methods will need to be undertaken.

### **ECC Archaeology**

8.3 Conditions regarding programme of trial trenching etc

### **Fisher German**

8.4 Objection – proximity to MoD pipelines and storage tanks.

### **HSE**

8.5 No objections of safety ground.

### **UDC Housing**

8.6 40% Affordable housing required, 5% wheelchair accessible.

### **NATS**

8.7 No safeguarding objection

### **Access & Equalities Officer**

8.8 Commitment to Lifetime Homes demonstrated – drawings to be submitted.

#### **Anglia Water**

8.9 No objection, suggested informatives and conditions.

#### **ECC SUDs**

8.10 Comments on Flood Risk Assessment – more info required at design stage.

#### **Highways Agency**

8.11 No objection relating to the impact upon M11.

#### **UDC Landscaping Officer**

8.12 Whilst there are visual impacts that would result from the proposed development no objection has been raised subject to conditions relating to landscaping and lighting.

#### **Airside OPS Ltd**

8.13 No objection subject to Conditions regarding renewable energy.

#### **ECC Education**

8.14 A financial contribution towards secondary education is required. There is a need for early years and childcare and primary school provision. This application provides 1.2ha of land for a new facility and there is opportunity for future expansion. A contribution towards the provision of the new facility and covering the demand that the scheme will generate is required.

#### **NHS**

8.15 Holding objections – Seek financial contribution of £33,600 which would be required to mitigate the 'capital cost' to the NHS for the provision of additional healthcare services arising directly as a result of the development proposal.

#### **UDC Natural Sciences Officer**

8.16 Objection – lack of information, public open space insufficient.

#### **Natural England**

8.17 No objection re protected sites of landscapes – Standing Advice should be applied for protected species

#### **Environment Agency**

8.18 No objections – subject to conditions.

#### **ECC Ecology**

8.19 Initial response received dated 20.3.14, raised a holding objection raised based on the requirement of additional information.

*NB: The additional information requested was submitted in March 2014. Since then ECC Ecology have raised the following;*

*The cumulative loss of farmland on this and neighbouring development sites potentially on breeding and overwintering farmland birds.*

*The following information should be submitted as part of the reserved matters which should inform the landscape plan and demonstrated how the biodiversity areas will be managed in the long term.;*

- *Clearer information showing what is proposed as mitigation and what are positive enhancements;*
- *How mitigation has been calculated, including area/ length of habitats lost and created;*
- *How the landscaping mitigates for the birds which currently use the site;*
- *How the cumulative effects of this development (with neighbouring developments) have been calculated and mitigated where necessary; And*
- *Reptile method statement*

*No objection raised subject to conditions.*

## **UDC Environmental Health**

8. No objection subject to conditions.

*NB: UDC EH was further consulted as a result of an updated Air Quality Assessment as a result of an updated Transport Assessment. The updated AQA concluded minimal additional impact. No objections raised subject to conditions.*

## **Highways**

8. Further information has been sought by ECC Highways from the applicants. A further updated Transport Assessment has been submitted together with an updated Air Quality Assessment. Highway comments were outstanding at the time of writing this report however they will be verbally reported at the Planning Committee.

## **9. REPRESENTATIONS**

9.1 The application has been advertised on site and within the local press. Neighbouring residential occupiers have also been consulted of the application. As a result 151 objections have been received of which 111 were standard petition letters all of which raising the following points:

- Lack of infrastructure
- Concerns regarding increase in volume of traffic and congestion not just around site but backing up all over the town
- Increase in air pollution with more queuing traffic
- Large lorries negotiating inadequate road network
- Use of Shire Hill Industrial Estate as secondary access unacceptable due to its design as an industrial estate not a residential access
- On Street parking (due to lack of proper parking provision) impacting on traffic chaos
- Proposal on wrong side of town. Should be considered to the west of the town closer to transport links of Audley End Station and Great Chesterford Station and M11 junction

- Only people able to afford new housing would be commuters
- Lack of employment in locality to support large housing development
- Lack of education facilities both primary and secondary schools.
- Unsustainable location with reliance on cars to access employment, schools and town centre facilities
- Housing needs exceeding 15 year Local plan requirements
- Increase in demand for medical facilities and other public services
- Appearance of a new town within the old one with lack of infrastructure to support it
- Loss of rural character of the town
- Replace large unsustainable development of housing with a new settlement possibly near Stumps Cross where transport links are excellent
- Increase of flood risk due to agricultural land being lost to development
- Quantity of new housing in Saffron Walden detrimental to character of town
- Size of school required to accommodate increase in places would be out of character with town
- Effects on tourism as town loses its character, impact upon historic character of town
  - Surface water runoff
  - Scheme would need to meet Lifetime Homes

## 10. APPRAISAL

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

- A Principle of development
- B Design
- C Highways
- D Landscape Impact
- E Amenity & Air Pollution
- F Infrastructure provision to support the development
- G Mix of Housing and Affordable Housing
- H Biodiversity
- I Flood Risk and Drainage
- J Other material considerations

### A Principle of development

- 10.1 Since the last Planning Committee the Draft Local Plan has slightly more weight in that it has been approved both by Cabinet and Full Council and has now been published for consultation under Regulation 19 of the Local Planning Regulations 2012. At the present time the adopted Local Plan policies are still in force. However, the National Planning Policy Framework (NPPF) is a material planning consideration and this has a strong presumption in favour of sustainable development.
- 10.2 The application site is located outside the development limits of Saffron Walden and is therefore located within the Countryside where ULP Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence, the proposal is contrary to Policy S7 of the 2005 Local Plan.
- 10.3 A review of the Council's adopted policies and their compatibility with the NPPF has

been carried out on behalf of the Council by Ann Skippers Planning. Policy S7 is found to be partly consistent with the NPPF. The protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development, but the NPPF takes a positive approach, rather than a protective one, to appropriate development in rural areas. The policy strictly controls new building whereas the NPPF supports well designed new buildings to support sustainable growth and expansion of all types of business and enterprise in rural areas. As such this reduces the weight given to the restraint implied by Policy S7 and this must be weighed against the other sustainability principles.

- 10.4 The applicants have argued that Uttlesford cannot demonstrate an adequate 5 year supply of housing land. The Council recognises that as of the beginning of March it did achieve and maintain a 5 year housing land supply. Nonetheless, the 5-year land supply is a rolling target, which moves forward a year each April and therefore the Council must continue to monitor this delivery very closely. Depending on the amount of housing commenced or built in 2013/14, which will not be confirmed until June 2014, the Council is therefore likely to find itself again with less than a 5-year supply of land. None of the major application which have been resolved to be granted planning permission during the above period which contributed towards achieving the 2013/14 5-year land supply have cleared any conditions nor have formally commenced on site. Therefore, it is considered prudent to assume that the current housing supply falls below 5-years (Local Plan Working Group Report, dated 3 March 2014)
- 10.5 The Local Planning Authority has the duty to consider favourably applications for sustainable residential development which will make a positive contribution towards meeting housing need, ensuring the level of housing supply is robust and provides a continuous delivery of housing.
- 10.6 As a consequence applications have to be considered against the guidance set out in Paragraphs 6 - 15 of the NPPF. The Council has accepted this previously and has considered and determined planning applications in this light. As a consequence, planning permission has been granted for residential development outside development limits where appropriate, on sites that are identified for potential future development in the emerging Local Plan and on sites which are not identified but which are considered to be sustainable.
- 10.7 Councillors are reminded that even when the Council has a 5 year land supply it will be important for the Council to continue to consider, and where appropriate, approve development which is sustainable. This is especially true for proposals on draft allocation sites, as is the subject of this application, but others as well, to ensure delivery in the future and to ensure that the level of housing supply is robust.
- 10.8 Paragraphs 7 and 14 of the NPPF set out that there is a presumption in favour of sustainable development. The core principles of the NPPF set out the three strands of sustainable development. These are the economic role, social role and environmental role. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. It is therefore necessary to consider these three principles.
- 10.9 Economic role: The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. As part of the proposed development 1,800m<sup>2</sup> of Use Class B1 office

and light industrial space is proposed. The application states that the scheme is capable of providing approximately 247 new full time equivalent jobs through the employment floorspace, the proposed school and the proposed extra care development. The construction the construction of the proposed development would also provide short term employment for locals during the construction of the site in the form of approximately 1265 (both direct and indirectly). The scheme would also support existing local services and provide the possibility of small start-up businesses. The proposed amended infrastructure into and through the application site would facilitate ease of movement and links to other employment areas within Saffron Walden, such as Shire Hill. The improved infrastructure would include more bus stop links and new footpath and cycle routes. This would increase the potential for the use of alternative means of travel to areas of employment. This proposal would help deliver an economic role.

- 10.10 Social role: The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposal would make a contribution towards the delivery of the housing needed for the district, including a provision of affordable housing, provision of extra care housing that is proposed to form a 'retirement village' (Use Class C2), and housing designed to Lifetime Homes Standards. Whilst design is a reserved matter, the illustrative Master Plan indicates a scheme which would provide a number of formal and informal open spaces together with a number of footpaths and cycle network which would contribute to the wellbeing of the public. Landscaping would be used to reduce the visual impacts and some landscaping elements would introduce additional facilities required for health, social and cultural well-being. This proposal would help to deliver a social role.
- 10.11 Environmental role: The NPPF identifies this as contributing to protecting and enhancing our natural, built and historic environment, including, inter alia, improvements to biodiversity and minimising waste. Whilst layout, scale, design and landscaping are to be reserved matters, there is significant detail within the illustrative Master Plan and the Design and Access Statement to demonstrate how landscaping and biodiversity would be enhanced and preserved. Also, a Waste Management Plan has been submitted as part of the application, which identifies methods of minimising waste as a result of the proposed development, through site management, the use of construction methods and the reuse of materials on site. This would be reviewed during the course of the development should planning permission be granted. The application site is located adjacent to the edge of the town's development limits, near a Tesco superstore and bus stops which would facilitate sustainable travel. This is further expanded upon within Section C of the report. In considering the above the proposal would help to deliver an environmental role.
- 10.12 The proposals would help to fulfil the three principles of sustainable development. As such the proposals would comply with the positive stance towards sustainable development as set out in the NPPF and the presumption in favour of approval, unless material considerations indicate otherwise. I attach significant weight to this and consider that the more recent national policy set out in the NPPF should take precedence over Policy S7 of the Local Plan. The development is considered to be sustainable development and therefore the principle of the proposal is acceptable.
- 10.13 The proposal will involve the loss of best and most versatile agricultural land. This is defined both by the Local Plan and the NPPF so as to include land in Agricultural Land Classification (ALC) Grade 2. The application will result in the permanent loss of some 13.9 hectares. Local Plan Policy ENV5 does not seek to prevent the loss of

Best and Most Versatile land (BMV) agricultural land if there is no lower value land available. The fact that there is a shortage in the 5 year land supply and the fact that the Council is looking at releasing greenfield sites in the countryside to meet its housing needs shows that there is insufficient land available within settlement boundaries or brownfield sites. Some 80% of the agricultural land within the district is Grade 2 and the rest is Grade 3. Within that context it is not considered that there is sufficient lower grade agricultural land that is sustainably related to existing settlement to meet needs and therefore it is not considered that there is conflict with Policy ENV5. It should also be noted the loss of agricultural land has been accepted in principle through the Draft Local Plan.

## **B Design**

- 10.14 With regards to the proposed design of the scheme the NPPF and Local Plan Policy GEN2 seeks for quality design, ensuring that development is compatible in scale, form, layout, appearance and materials. The policies aim to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole seeking high quality design. This is also reflected in Draft Local Plan Policy DES1.
- 10.15 As to whether the scheme would be compatible with the character of the adjacent settlement area and the wider countryside, the scheme would see development on the urban fringe of the Saffron Walden, outside Development Limits.
- 10.16 Whilst the design of the proposed development is a reserved matter illustrative plans have been submitted as part of the application to demonstrate how the scheme can be implemented.
- 10.17 It is stated within the Design and Access Statement that the dwellings would be designed forming blocks and would be characterised through the use of four area zones which would be 'boulevard', 'village green', 'farm avenue' and 'green edge' zones. The design of the buildings would alter to reflect these areas. There would be a variety of spacing between buildings with a variety of formal and informal open spaces being provided. Pedestrian paths are proposed to be created forming part of the green infrastructure which would link up public open spaces. The proposed development would provide approximately 2.23 hectares of public open space. Local playspaces are stated would provide accessibly in various forms, would be safe, and overlooked landscaped spaces.
- 10.18 It is stated that storm water attenuation areas could be included as part of the gross open space as shallow grassed areas. It is proposed that there would be an attenuation area of 1.17ha and public open space would cover an area of 2.23ha.
- 10.19 The design parameters of the proposed buildings would be up to 3 storeys for the retirement village adjacent to Tesco's, an element of the use class B1 space and the dwellings which will be formed around the crescent. It is proposed that the dwellings along the 'boulevard' would be up to 2 ½ storeys with the rest of the southern half of the site, where the ground levels increase, up to 2 storeys.
- 10.20 It is also stated that parking would be a mix of on-plot, with a mix of private drives and garages being provided and court yard parking with some properties having direct access onto the 'Boulevard'.
- 10.21 In terms of the highway design 3m wide shared cycleway/footway will provide user access to Radwinter Road, which will be between the proposed care home and the existing supermarket, that is to encourage sustainable use of transport. The internal



roads within the development would be designed to various hierarchy principles, such as;

- Radwinter Road to Thaxted Road Link - 6.75m wide carriage way + 2 x 2m wide verge + 2m wide footway + 3m wide cycleway;
- Radwinter Road to Thaxted Road Link beyond footway - 6.75m wide carriageway + 2 x 2m wide footway;
- Shire Hill Link - 6.75m wide carriageway + 2m wide footway + 3m wide cycleway;
- Dwelling access roads - either 5.8m shared surface or 4.8m wide carriage way + 2 x 2m wide footway.

10.22 The design layout shows an indicative illustration of how the scheme could be laid out with the dwellings, a primary school, Use Class B1 office space and an extra care facility located to the south of Radwinter Road and secondary access taken from a new access proposed from Shire Hill Industrial Estate. The proposed design of the roads is considered to be spacious along the main roads through the site and providing more intimate spacing within more secondary local roads, which would form the 'village green', 'farm avenue' and 'green edge' zones. It is considered that there is sufficient land to ensure back to back distances are adhered to preventing overlooking both between existing and proposed dwellings, and that there would be sufficient amenity space in accordance with the Essex Design Guide. Various types of open space have been designed as can be seen from the illustrative plan. These will be in the form of landscaped areas, Sustainable Drainage (SUDs) features and play space areas. The design of the open spaces would be further detailed at reserved matter stage should planning permission be granted.

10.23 The existing residents would be far enough removed from the new housing so that there would be no issues of overlooking or overshadowing.

10.24 Through the incorporation of design techniques and principles the proposal will be able to discourage and minimise the risk of crime and anti-social behavior through natural and informal surveillance. The proposed dwellings would also meet Lifetime Homes Standards. This is in accordance with Local Plan Policy GEN2 and the NPPF.

10.25 In terms of principles of sustainable design, even though the application is outline with all matters reserved apart from access, it is stated within the submission that the proposed dwellings would meet Level 3 of the Code for Sustainable Homes. This stated would be achieved through the inclusion of air tight insulation, high efficiency boilers, low energy lighting, photovoltaic and low water demand appliances. This is in accordance with Policy GEN2 and Supplementary Planning Document for Energy Efficiency and Renewable Energy (October 2007).

## **C Highways**

10.26 Local plan policy GEN1 states "*development will only be permitted if it meets all of the following criteria;*

- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.*
- b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.*
- c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.*

- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expects to have access.*
- e) The development encourages movement by means other than driving a car.”*

- 10.27 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework and Draft Local Plan Policy SP15.
- 10.28 Saffron Walden is the largest town in the District and it is considered to be sustainable as there are bus routes which are located and going through Saffron Walden. Audley End train station is 3 mile southwest from the site and the M11 is located west of the town.
- 10.29 The site is considered to be sited within a sustainable location being located;
- Adjacent to Tesco and bus stops;
  - Within 6 minute walk to the hospital facilities including dentist at Saffron Walden Community Hospital;
  - Within a 12 minute walk to Lord Butler Leisure Centre;
  - Within 12 minute walk to the following schools St Mary’s Primary School, The R A Butler primary school and St Thomas More;
  - Within 12 minute walk to the town centre;
  - Railway station Audley End approximately 5.9km
- 10.30 There is a regular bus service which operates within close proximity of the application site. The nearest existing bus stops to the proposal are located at the bus interchange within Tesco off Radwinter Road and Elizabeth Way approximately 100metres. In consideration of the above the subject site is considered to be located within a sustainable location in accordance with Local Plan Policy GEN1, Draft Policy SP15 and in accordance with the golden thread of the NPPF.
- 10.31 In term of car parking it is proposed that there would be on-plot parking with the benefit of natural surveillance relating to the property that it would serve. Any on-street parking that is proposed its stated would be designed to reduce speed. It has been stated within the submission that apartments would have parking allocated within parking courts. It has been confirmed that car parking spaces and garages would conform to standards. It should be noted that this is a reserved matter which would be subject to further approval should planning permission be granted.
- 10.32 A Transport Assessment and a Travel Plan relating to Residential and the Workplace have been submitted as part of the application.
- 10.33 Incorporated within the scheme would be prioritised safe walking and cycling environment to increase the potential for alternative means of travel. In order to comply with the Draft Local Plan and its long term visual strategy for Saffron Walden, a contribution towards the implementation and construction of the Wenden Road cycle path link scheme is proposed.
- 10.34 It has been confirmed within the submission that the proposed scheme would accord with current local parking standards. A mixture of parking methods would be proposed through the scheme, however it should be noted that this is a reserved matter for further consideration at a later date. The scheme is therefore capable of according with Local Plan Policy GEN8, Essex Parking Standards and the Uttlesford Local Residential Parking Standards adopted (February 2013), also Draft Local Plan Policy TA1.

- 10.35 Two vehicular accesses are proposed to serve the site, the primary access being from Radwinter Road in a similar position to the existing farm access, and a secondary access will be provided from the western boundary connecting to Shire Hill serving the existing adjacent commercial development, which connects to Thaxted Road. The proposed primary road that would run through the site would abut the southern boundary to allow for future development of land to the south, and the Kier application on Thaxted Road(UTT/13/2060/OP), which form part of the greater draft policy allocation, to connect and form an integrated development. This proposed road up to the site's boundary would serve the proposed primary school site. This primary road together with the secondary access from Shire Hill would also facilitate in dispersing vehicle movement from the proposed scheme and mitigate the impact upon more sensitive junctions within Saffron Walden such as Radwinter Road/Thaxted Road junction.
- 10.36 This has been highlighted within the Highway Impact Assessment of the Draft Local Plan which has been undertaken by Essex Highways. The assessment identified the main junctions and the current capacity issue. This states that only one junction (B184 High St / Church St) whereby one or more arms are at or exceeding capacity in either of the peak hours and there are two junctions (B184 Audley Rd / B184 High St and B1052 Newport Rd / Audley End Rd) whereby one or more arms approaching capacity in either of the peak hours. The assessment demonstrates that the main junctions immediately surrounding the application site have currently no capacity issues in either peak hour.
- 10.37 It has been projected that nearing 2018, taking into account committed developments and also allocated sites within the Draft Local Plan (such as this site), at the main junctions surrounding the application site, one or more arms will be approaching capacity in either of the peak hours. Approaching 2026, it is predicted that junctions such as B185 Thaxted Rd / B1053 Radwinter Rd and B184 Thaxted Rd / Peaslands Rd will be at or exceeding capacity. This highlights that mitigation measures with development would be required to facilitate the identified allocation site. The assessment states *"The eastern link road, which would connect Thaxted Road with Radwinter Road, would be expected to relieve the Thaxted Road/Radwinter Road junction, which is a recognised bottleneck on the network. The link road would be enabled through ULP development on the Saffron Walden Policy 1 site and be built in conjunction with that development. Such a route would help to not only relieve the traffic flows at the junction of Thaxted Road and Radwinter Road, but also help to channel traffic away from the centre of the town. It would, however, lead to additional traffic on the alternative route of Peaslands Road/Mount Pleasant Road and Borough Lane and Debden Road, to the south of the town centre."*
- 10.38 Below is a list of the key impacts on the affected junctions that the proposed future link road would have;
- *"Thaxted Road / Radwinter Road junction - reduction in flow on the East Street, Thaxted Road and Radwinter Road routes would help to relieve congestion from a position of being over capacity on all approaches in both peak hours to that of one where just Radwinter Road would reach capacity.*
  - *Thaxted Road / Peaslands Road - increase in traffic heading southwest through the junction would not lead to a notable worsening in operation, although the junction would be over capacity in the 2026 with ULP scenario.*
  - *Mount Pleasant Road / Borough Lane / Debden Road - increase in traffic along Mount Pleasant Road and Borough Lane would result in these two approaches approaching or reaching capacity.*

- *Debden Road / London Road - reduction in traffic would relieve congestion on the Debden Road north approach, with the approach falling below capacity in the PM peak.*
- *High Street / George Street - reduction in traffic would reduce some congestion on both the High Street north and High Street south approaches, although not by significant amounts.*
- *High Street / Audley Road - reduction in traffic at the junction would reduce some congestion on Audley Road, with the approach likely to fall below capacity.*
- *Borough Lane / London Road - transfer of traffic to Borough Lane from the London Road north approach would not be expected to have a marked impact on the operation of the approaches.”*

10.39 It is stated that *“While the link road helps to reduce pressure at the Thaxted Road/Radwinter Road junction it is still over capacity, and many other junctions would be likely to continue to experience capacity issues in 2026 with committed and ULP developments. Additional mitigation measures were therefore required to enable delivery of the ULP developments.”*

10.40 The Local Plan Highways Impact Assessment has outlined a number of other mitigation measures across key Saffron Walden junctions to enable and mitigate junction capacity as a result from committed and draft local plan allocation sites.

10.41 As part of the application it is proposed that the following works would be undertaken in order to mitigate the proposed development;

- Radwinter Road and site junction works to allow for visibility splays and a ghost right hand turn lane into the site;
- Pedestrian and cycle routes area proposed within the site which are also proposed to be linked up to Tesco and nearby bus stops;
- Providing a road link up to the boundary of the site;
- Bus stops are also proposed through the application site;
- Primary access from Radwinter Road and Secondary access proposed from Shire Hill;

10.42 The Highway Authority has been assessing the application and have requested further information in the form of sensitivity testing which has since been submitted by the applicant. This information is still under consideration by the Highways Authority. The transport assessment submitted as part of the application indicates that, come 2018, taking account of the proposed development and other committed developments, the capacity at various local junctions the following would still operate within capacity;

- Radwinter Road/Elizabeth Way;
- Ashdon Road /Chaters Hill;
- Ashdon Road/ Castle Hill/Common Hill/Castle Street (outside peak hours);
- Bridge Street/Castle Street/High Street/Myddylton Place;
- Shire Hill /Thaxted Road;
- Thaxted Road/ Peasland Road (am);
- Radwinter Road access;
- Elizabeth Way/Ashdon Road;
- Debden Road/Mount Pleasant Road/Borough Lane;

10.43 The TA stated that the following junctions would operate just above capacity;

- High Street/ Church Street (currently already operating at over capacity);

- Ashdon Road/ Castle Hill/Common Hill/Castle Street (peak hours);
- Little Walden Road/Pound Walk/Castle Hill/Castle Street;
- Thaxted Road/ Peasland Road (pm);
- London Road/Borough Lane (Borough Lane am & London Road pm)

- 10.44 The TA states that the proposed development would increase the vehicle movements between Radwinter Road/Thaxted Road. However, the impact of the vehicle trip generation would be further mitigated through the creation of new access through Shire Hill industrial estate. This could further decrease the number of vehicles which are currently using the Radwinter Road/Thaxted Road junction. The current PM capacity issues on one of the Thaxted Road/ Peasland Road arms would be alleviated through the proposed junctions works as part of the Kier application UTT/13/2060/OP. The introduction of a primary school would generate an increase vehicle movements however it is also stated that these are likely to be localised to the proposed development and the greater draft allocation site.
- 10.45 In terms of mitigation a financial contribution to enable mitigation works to the Ashdon Road/ Castle Hill/Common Hill/Castle Street and London Road/Borough Lane has been proposed to alter the geometry of the junction.
- 10.46 The Transport Assessment has concluded that the proposed development would not have significant adverse impact on the surrounding infrastructure and that there are no reasons on highway grounds why planning permission should be recommended for approval.
- 10.47 Discussions with Highways have indicated that the Shire Hill secondary access proposed would be sufficient to cater for the development providing access supplemented by, until a through road comes forward, Shire Hill Road. The car parking along Shire Hill could be controlled through traffic regulation order.
- 10.48 In consideration of the above, subject to the formal comments of Highways being received and it being found that there would be no significant have resulting in capacity impact upon sensitive junctions, the proposed development would be acceptable in terms of highways subject to any recommended conditions and S106 obligations required by the Highways Authority. This would be in accordance with Policies GEN1, GEN2, GEN8 of the adopted Local Plan (2005) and Policies SP15 and TA1 of the Draft Local Plan (June 2012).

## **D Landscape Impact**

- 10.49 A Landscape and Visual Impact Assessment has been submitted as part of the application together with an Arboricultural Statement. This outlined the following;
- 10.50 There are a total of 41 individual trees on site, 10 groups of trees and 7 hedges. In order to implement the scheme the development would involve the removal of approximately 4 groups of trees, some 24 trees and 3 hedges. There are existing hedges which define the fields that form part of the application and there is mature screening along the sites boundaries. The main field boundaries and wooded areas is stated would remain and provide the basis for the definition of the site and its edges.
- 10.51 The site slopes down from the south towards the north which is the highest point on site with a central north south ridge. The site is open to mid to long distance views from the north whereby the Ridegons application site and the AMCO storage facility can be seen. The view of the site is mostly hidden at close proximity from the north,

with views from other directions limited due to restricted vantage points and the topography of the ground and the established vegetation. The existing residential properties, which are located along Radwinter Road fall within a valley. The majority of the site however is arable farm land which is ploughed and is therefore without tree coverage.

- 10.52 Storm water attenuation basins are required within the development area and these have been designed and located to improve the landscape as well as add practical value.
- 10.53 Formal landscape areas are proposed in the form of tree lined 'boulevard' and 'crescents' with grassed verges.
- 10.54 Informal spaces are also proposed in the form of 'village greens', and 'green edges'. The eastern edge of the application site that is sensitive in terms of its countryside openness and being adjacent to Turnip Hall Farm is proposed to be softened through the use of attenuation areas and landscaping.
- 10.55 The UDC Landscape Officer has stated the following within his response;

*"The site comprises principally of open arable fields and pasture enclosed by board field hedges situated on the south slope of the valley containing the Radwinter Road. The site rising up to an elevation 20m above the Radwinter Road.*

*The proposed development would be visible in the distant views from the Harcanlow Way running along the valley ridge to the north, and from points along the public footpath (no.22 to the east of the site. The site can also be glimpsed in views from points on Ashdon Road. Whilst these views of the site are distant, they do afford and strengthen an appreciation of the setting of the town within the surrounding open countryside. New planting as part of the landscaping treatment would mitigate the impact of the development to some extent although this would not overcome the loss of the open countryside.*

*In short distant views the development would be visible from the Radwinter Road to the site. The retention of the existing field hedge on this frontage of the site, together with additional planting, would reduce to some extent the visual impact of the development at this point.*

*The indicative layout show the retention of the existing field hedges which would reduce the visual impact of the proposed development in local and long distance views. However, the level of screening is dependent on these features being maintained as high hedges. During the dormant months the effectiveness of screening provided by these hedges would be reduced.*

*The removal of sections of hedgerow in the central part of the site is shown on the illustrative layouts. However, replacement sections of hedge along similar line could be provided as part of any approved landscaping scheme within the layout.*

*Some 24no. trees have been identified as being required to be removed in order to implement the development but these subjects are of moderate or low quality. There are no high quality trees on site proposed to be removed as part of the development and define the character of the proposed development.*

*The introduction of house lights and street lighting would affect the night time character of the site. The effect of the external lighting on the wider open countryside*

*could be ameliorated by dark sky lighting design being applied to limit light spillage.*

*The proposed development would not conserve or enhance the open countryside or the setting of Saffron Walden within the countryside. However, the visual impact of the development could be significantly reduced by the implementation of a comprehensive scheme of structural landscaping.”*

- 10.56 Whilst there would be undoubtedly a visual impact as a result of the proposed development fundamentally due to the rising ground levels the illustrative plans indicate that the proposed heights of the development would reflect the sensitivity of the changing ground levels within the site. Most of the effects would be restricted to within the site, within immediate setting of the site and mid-long distant views. While the development would provide for local housing needs it is considered that the location of the development would appear as an extension to the existing urban fabric. This would be softened through the use of landscaping, open areas of space and SUDs features to mitigate the visual impact of the development, as illustrated within the submitted Master Plan. Therefore no objection has been raised subject to conditions relating to the submission of details on a landscaping and lighting scheme. The scheme is therefore considered to accord with Local Plan Policy GEN2, GEN7, ENV3, and ENV8 also Policy C2 and HE5 of the Draft Local Plan.

## **E Amenity & Air Pollution**

- 10.57 A Noise Impact Assessment has been submitted as part of the application. This identifies the key sources of noise impacting upon the development is predominately from road traffic noise on Radwinter Road and certain commercial sources in the surrounding areas. The assessment has been undertaken using worst case scenarios. Mitigation measures have been identified within the assessment, such as the location of noise sensitive rooms, location of windows and ventilation. The design and siting of the proposed scheme would be dealt with at reserved matters stage and a condition can be imposed regarding details of plant and machinery to be submitted for further approval should planning permission grant. UDC Environmental Health has stated that *“a thorough noise impact assessment to agreed criteria has been submitted. The proposed retirement village would be exposed to unacceptable levels of noise from traffic on Radwinter Road. This can be controlled by conditions on layout, glazing specification and/or ventilation at the detailed design stage. If the option including a primary school is approved, any sports pitch will need to be located away from existing houses to protect them from excessive noise. Plant noise from the business area, school, care home and residential heat pumps has the potential to cause annoyance. This can be controlled by conditions at the detailed design stage.”*
- 10.58 An Air Quality Management Area has been designated within Saffron Walden as a result of the exceedance of air quality levels for nitrogen dioxide, with the application site located 300m east of the edge of the AQMA. An Air Quality Impact Assessment has been undertaken and submitted as part of the application. The development has been assessed in accordance with methodology that has been previously agreed. The assessment highlights the impacts of the nitrogen dioxide concentrations during the operational phase of development, also the implications of the phased construction in terms of dust generated during earthworks, construction and tracked out activities. The assessment also has taken into account the predicted accumulative impact of committed developments.
- 10.59 Table 19 within the submitted Air Quality Impact Assessment outlines a number of mitigation measures, such as various site planning measures, construction traffic and earth moving management, to minimise the impact of dust generation as a result of

the proposed development. By implementing such measures it is considered that the dust generation as a result of the proposed development is likely to be negligible.

- 10.60 With regards to the operational phase relating to the generation of emissions on the local network and potential changes to sensitive locations a dispersal model has been devised looking at various models. The largest concentration of Nitrogen Dioxide levels would be adjacent to the road boundary where there is currently no dwelling. The report concluded that based on the results the site is considered suitable for the proposed end use without the need for mitigation. Table 21 of the Air Quality Impact Assessment predicted that the development would have a negligible impact upon all receptors for the various scenarios.
- 10.61 Across the development it was predicted that there would be an increase of particle matter by  $3.62 \mu\text{g}/\text{m}^3$ . As a result the development was concluded to be suitable without the need for mitigation. Particle matter as a result if emissions were also predicted to be negligible.
- 10.62 Regardless of the stated lack of need for mitigation measures within the AQA, the aspiration to reduce the need for vehicle trips to further help reduce vehicle emissions would be achieved through the green travel plan, as outlined in Section C.
- 10.63 The AQA concluded that there would be negligible impact upon air quality issues as result of the proposed development. In assessment of the submitted documents UDC Environmental Health has stated the following;

*“There is a high risk of dust affecting nearby homes during the construction phase. A condition requiring implementation of the mitigation measures identified in Table 19 of the Air Quality Assessment should be imposed.*

*The application site is approximately 300m east of an Air Quality Management Area (AQMA). The AQMA was declared by Uttlesford District Council due to levels of nitrogen dioxide (NO<sub>2</sub>) above the Air Quality Limit Value of  $40 \mu\text{g}/\text{m}^3$  at several key road junctions in the town. The submitted air quality assessment has modelled the effect that additional traffic generated by the development would have on nitrogen dioxide levels at 43 residential and school premises across Saffron Walden. It concludes that the development would result in small increases ( $0.4\text{-}0.8 \mu\text{g}/\text{m}^3$ ) in nitrogen dioxide at receptors on Radwinter Road, Ashdon Road, Shire Hill, Peaslands Road, Mount Pleasant Road and Borough Lane. These increases are due to additional traffic expected to be generated by the development and are independent of which other committed developments have been included in the model.*

*The use of the Town Hall monitored level as a background figure in the model was raised with the applicant and the response has been reported in the Appendices to the revised AQA. The use of a lower background figure as supplied by Defra has reduced the uncertainty in the modelled results from 20% to 15% and indicates that the predicted annual mean NO<sub>2</sub> concentration at a receptor at Thaxted Road would exceed  $40 \mu\text{g}/\text{m}^3$  both with and without development, the change as a result of the development being negligible.*

*The speed of traffic used in the modelling was also raised, and the explanation that speeds used were representative of average daily traffic speeds in the area is reasonable.*

*The results of the assessment depend on the number of vehicles predicted to travel on different parts of the road network. A revised transport assessment submitted has*



*included projected traffic flows due to the Ashdon Road development. A sensitivity analysis has been included in the Transport Assessment assessing junction capacity if 50% of traffic heading north from the proposed development travelled via Chaters Hill instead of Elizabeth Way. This scenario has not been modelled in the AQA, which assumes that all traffic travelling to the north of the town would travel along Elizabeth Way, Ashdon Road and Church Street, and return via Castle Street. No additional traffic is projected to pass along the southern end of the High Street, George Street, East Street or Audley Road, which would appear unrealistic.*

*Recent government planning guidance in relation to air quality considerations states that development should only be refused on air quality grounds if the proposal would lead to significant deterioration in air quality. The assessment concludes that the impact would be small, using national significance criteria. The majority of committed development has been taken account of in the modelling, however if further committed development was included, total traffic would be greater.*

*Measures to encourage non car travel will assist in improving air quality, and the proposal to include dedicated cycleways within the development and a contribution towards the Wenden Road cycle path is welcomed. It is suggested that this is extended to request a contribution to a fund for the provision of cycle routes through the town to link to the cycle path. If the option including the primary school is approved, safe cycling routes from all residential areas in the development to the primary school should be conditioned. It is also suggested that an updated travel plan is submitted for approval once development commences, to take account of any new developments and measures available to facilitate and promote cycling, walking and the use of public transport.”*

- 10.64 Whilst further work could have been done to address some omissions the overall impact of the proposed development is considered to be small. No formal objection has been raised by UDC Environmental Health relating to air pollution subject to conditions. The above the scheme is therefore considered to be in general accordance with Local Plan Policies GEN4 and GEN2, also Draft Local Plan Policies EN5 and EN6.

## **F Infrastructure provision to support the development**

- 10.65 The Draft Local Plan Policy SW1 amongst other things identifies the application site and the land to the south of the application site for the provision of 800 dwellings and 6 hectares of employment. Amongst this allocation the following is sought to be provided as part of any such development; the provision of land for pre/primary school and construction of school facility, specified housing mix, a link road between the application site from Thaxted Road lead through to Radwinter via the northern allocated site, junction improvements, provision of cycle/footway from Saffron Walden to Audley End station, other necessary highway works and transport provision. The draft policy also seeks the provision of recreation open space, rugby pitches, running track, pavilion and car park to serve all facilities.
- 10.66 As the subject application site only forms one part of a much large allocated site, commensurate to the scale of the scheme the following is proposed to support the development in terms of infrastructure and mitigation.

### Open space

- 10.67 This application proposes approximately 2.23hectares of public open space with an attenuation area covering 1.17ha. The public open space land situated within the

residential part of the development to be transferred to the Town Council or management company.

10.68 As part of the wider allocation a contribution towards the public open space identified on land south of Thaxted Road would be required in order to enable the provision of a facility; also enable existing sports and youth clubs the ability to provide better, and improved local facilities. The above provision towards open space and recreation will accord with the Draft Local Plan Policy Saffron Walden Policy 1.

#### Highways

10.69 Whilst the highway implication have been discussed above in Section C in terms of mitigating the proposed development and providing in some areas betterment, the following proposed works and contributions are proposed;

- The construction of the first phase of the Radwinter Road/Thaxted Road Link Road up to the boundary of the site (or edge of applicants ownership) without the imposition of any ransom.
- A financial contribution towards an extension to the existing bus service so that it serves the residential part of the development site and the installation of bus stops/shelters and layby.
- A financial contribution of £112,700 towards the implementation/construction of the Wenden Road cycle path link scheme or 23% of the total cost, whichever is the lower.

#### Education

10.70 Draft Local Plan Policy SW1 seeks the provision towards education due to the size of the site. The application proposes the option of a provision of land for a single form entry primary school and a payment of an education contribution relating to the number of school places generated by the application will be paid. This will address the education capacity issues that have been raised. A second alternative primary school land option has been provided by the Kier application (UTT/13/20610/OP) to address education requirements as generated by their scheme and in the event that this application is not implemented or the option site provided under this application was later deemed as not suitable by ECC Education. Should this school site option not be chosen then the alternative scheme of 230 dwellings would be implemented (30 dwellings have been indicatively highlighted on the illustrative master plan).

#### Health

10. As part of the contribution package which the scheme offers is a financial contribution of towards healthcare facilities. Based upon the sought after amount for dwellings an agreed formula based approach on the basis of approximately £146 per dwelling will be provided. This accords with the request from NHS.

10.59 In view of the above, it is evident that the necessary infrastructure can be provided to meet the needs of the development, in accordance with Policy GEN6 of the Local Plan and Draft Local Plan Policy SW1.

### **G Mix of Housing and Affordable Housing**

10.60 Policy H9 requires that 40% affordable housing is provided on sites having regard to market and site conditions. Policy H10 of the Local Plan states that “all developments on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising of small properties”.

10.61 The applicants have confirmed that a varying accommodation ranging from 1 to 5 bedroom dwellings would be provided. Also, the development would provide 40%

affordable housing, which would equate to 80 units should 200 units in total be approved at reserved matters, and 92 affordable dwellings should 230 dwelling be constructed. Below is an illustrative tenure mix of what the scheme could provide in line with requirements of the UDC Housing Enabling Officer;

Table 1: Indicative tenure mix

<b>Tenure Mix</b>	<b>1 bedroom</b>	<b>2 bedroom</b>	<b>3 bedroom</b>	<b>4 bedroom</b>	<b>Total</b>
Affordable rent - non bungalows	20	26	21	3	70
Affordable rent - bungalows	1	2	0	0	3
<b>Affordable Rent - Sub Total</b>	<b>21</b>	<b>28</b>	<b>21</b>	<b>3</b>	<b>73</b>
Shared Ownership - non bungalows	4	14	9	1	28
Shared Ownership - bungalows	1	2	0	0	3
Shared Ownership - sub total	5	16	9	1	31
<b>Affordable Units - TOTAL</b>	<b>26</b>	<b>44</b>	<b>30</b>	<b>4</b>	<b>104</b>
Market Bungalows		7			

10.62 The applicants have also confirmed that the mix and location of the units would be agreed at the reserved matters stage and that the development would provide 5% bungalows (equating to 10/12units) to meet wheelchair accessible housing need. It is highlighted that there would be 70% (affordable rent) and 30% (shared ownership) division on the proposed properties to be created. No objection has been raised by the UDC Housing Enabling Officer subject to meeting the above.

10.63 As part of illustrative scheme it is proposed that there would be a retirement village which would provide approximately 30 extra care apartments, 12 extra care bungalows, 60 bed care home and employment. This is considered to positively contribute to the balancing of the nature of dwellings that are proposed to be provided.

10.64 The final design, number and size of units would be determined at the reserved matters stage but it is considered that the application proposes an acceptable level of affordable housing on the site and is capable of providing an acceptable mix of dwellings. As such the application complies with Policies H9 and H10 of the Local Plan, Draft Local Plan Policies SP5, SP6, SP7, HO5 and HO6, also the requirements of the NPPF.

## **H Biodiversity**

10.65 A Phase 1 Ecological Assessment of the site has been undertaken and submitted

with the application. In terms of biodiversity the main agricultural land has little ecological merit in itself due to the worked nature of the land. However, the areas that carry a higher level of ecological value would be landscape margin areas and the landscape vegetation along the site boundaries. The ecological habitats of the site are fundamentally the trees, hedgerows, field margins and the drainage ditches.

10.66 The ECC Ecology had initially objected to the original survey that was submitted as part of the application on the basis of insufficient information was submitted. Further and amended information was sought in the form of the following;

- Assessment of impacts are not linked to proposals;
- There is suitable reptile in the north-west corner of the site but is not clear why this area has not been surveyed for reptiles;
- The Survey should provide an evaluation of the hedgerows stating how important they are;
- The Survey assumes that the perimeter vegetation will remain but even if this is the case it should assess the potential impacts of the development upon it and propose any relevant mitigation;
- Recommend that breeding and wintering bird surveys;
- The report does not outline what implications of the development upon the potential bat roosts. A dawn/ dusk survey might be required to inform this process.

10.67 An updated ecological survey was submitted which concluded that there was no sign of Badger activity on site, the fish pond behind Shire Hill farm was unsuitable for Great Crested Newts, and there were no other forms of suitable water bodies nearby. The hedgerows whilst were of low quality and not protected by legislation these would be largely retained within the proposed development. The overall site was stated to be of a low to medium value to forage or commuting bats, as it was mostly cultivated land, although the hedgerows and scattered trees did provide some cover.

10.68 To the far northeastern corner of the application site there are likely areas for reptiles and amphibians in terms of pile of rotting timber and concrete, although due to the isolation of the area it was considered that it would be unsuitable. Nonetheless, as a result as a precautionary measure a method statement outlining a safe system for working and how the reptile and/or amphibians would be protected from harm during site clearance works. This statement would also include the supervision for the removal of vegetation and topsoil stripping etc.

10.69 It was concluded that there would low potential for invertebrates, particularly those which are listed within the UK Biodiversity Action Plan and/or Local Biodiversity Action Plan..

10.70 In order to offset the accumulative loss of farmland the proposed landscaping would include the provision of wetland meadow and wildflower meadow areas which would be planted with a range of native flowers and grasses. These would produce seeds and attract insects and in turn producing a new source of food for the birds. It was recommended within the report that no dwellings should be set against the hedge and the existing access road thereby not affecting potential roosting places. The Ecological report stated that the any lighting which is proposed to be installed would follow the guidance provided by the Bat Conservation Trust and the institute of Lighting Engineers. The lighting scheme is would include the high pressure sodium lamps for the roads, and compact fluorescent lamps for the residential areas. The lighting columns will be kept as low as possible, and the design of the luminaires will be such that light spillage will be kept to a minimum. Hoods or cowls may have to be used on the road lamps.

- 10.71 Another form of mitigation which was identified was that any open trenches which could potentially trap wildlife would need to be designed with escape routes. The ecological conclude that the proposed development is unlikely to impact significantly on wildlife and will not lead to a significant loss of habitat area.
- 10.72 The proposed SUD scheme would not only facilitate in handling surface water drainage from the site it would also provide new ecological habitats and enhance local biodiversity. This would be integrated through an enhanced landscaping scheme which would come forward as part of the reserved matters should planning permission be granted. The proposed green spaces together with landscaping would increase the sites biodiversity values.
- 10.73 No objection was raised by ECC Ecology, Environment Agency, and Natural England subject to conditions and carrying the mitigation measures identified within the submitted ecological report.
- 10.74 The scheme is therefore in accordance with Policy GEN7 of the adopted Local Plan, also Draft Local Plan Policies SP14 and HE4.

## **I Flood Risk and Drainage**

- 10.75 Due to the scale of the proposed development a Flood Risk Assessment has been submitted as part of the application. The Flood Risk Assessment has looked at both scheme options and the vulnerability of the various uses has been taken into account. The site falls within Flood Risk Zone 1 whereby there is low probability of flooding as a result of watercourses or the sea, less than 1 in 1000 annual probability. Due to the nature of the ground there is a low probability of flooding from ground water. As a result of the site's classification no sequential or exception test will be required. Also, no flood compensation measures will be required either.
- 10.76 Surface water is stated would be attenuated to Greenfield runoff rates and will be discharged to the watercourses and sewers located adjacent to the site's northern boundary. It is stated that the surface water will be attenuated in four detention basins located across the site. The use of SUDS features will be defined at the detailed design stage but this could include swales where gradients allow and permeable paving feeding into tanks/infiltration and plot soak ways where permeability allows. On site flood protection is stated would be provided to cater for 1 in 100 year storm events plus an allowance of 30% for climate change, levels designed to convey overland flows away from buildings. The 30% allowance is also proposed to be designed into the drainage to cater for storm intensities.
- 10.77 It is proposed that foul water will discharge into Anglia Water sewers located within Thaxted Road. Anglia Water has confirmed that this is their preferred method of discharge and that the foul water flows from the site can be accommodated within their infrastructure, as confirmed by a letter from Anglia Water enclosed within Appendix F of the Flood Risk Assessment. No objection has been raised by the Environment Agency subject to conditions. The development is therefore considered to be in accordance with Policy GEN3 of the adopted Local Plan and Policies SP9 and EN4 of the Draft Local Plan.
- 10.78 With regards to the water and sewerage capacity issue raised by third parties, as part of the draft local plan detailed work has been under taken by Hyder on behalf of UDC and the sites that were being investigated to add to the site allocations list, Uttlesford District Water Cycle Study Stage 2 Detailed Strategy. It was raised within this report

that Veolia Water Central that they are confident that adequate supply can be provided through the existing network and local boreholes. There is a risk that future sustainability reduction imposed by the EA.... may require Veolia to alter their strategy... this issue is not entirely attributed to the proposed growth for major allocations there may be an additional requirement for reinforcement of certain areas which would be normally delivered by Veolia. Whilst it is possible that the sites would be supplied with water varying degrees of investment would be required the details of this would be understood with more detailed plans. The existing sewerage network is at capacity and extensive upgrades would be required. Developer would be required to enter discussions with Anglia water. There are major constraints with regard to the capacity of the surface water network and further information regarding phasing, timescales and confirmation of commitment from developers is required before further comment can be made.

- 10.79 Nonetheless, Anglia and Affinity Water have been consulted of the planning application and have had the benefit of more detailed information being provided as part of the application submission. Affinity and Anglia have raised no objection subject to imposing informatives and conditions should planning permission be granted. This is not considered to be a material issue to warrant the refusal of the application in its own right. It would be the duty of the developer to ensure that the development would be fully serviced and that it would be capable of water and sewerage provision. If this is a reason why the development could not go ahead because of an inability to cater for the servicing of the site then this would be outside the realms of the planning application. Nonetheless, a pre-planning report submitted as part of the application from Anglia Water to the applicant stating that *“the foul drainage from this development is in the catchment of Saffron Walden Sewage Treatment Works, which has capacity to treat the flows from your development site”*.

## **J Other material considerations**

- 10.80 A desk top archaeological assessment has been submitted as part of the planning application. NPPF states that the impact upon the significance if a non-designated heritage asset needs to be taken into account when determining an application and a balance judgment would need to be had to the level of harm or loss.
- 10.81 Prehistoric artefacts have been identified outside of the application site. Due to the site being ploughed there is likely to be destroyed artefacts, and surviving artefacts along landscape and boundary ditches. The report concluded that there is moderate potential for the presence of prehistoric, and Roman remains. It is stated within the report that here is low potential for Anglo-Saxon or medieval period remains except for field boundaries. There is high potential to identify open field systems of Anglo-Saxon, medieval and post-medieval.
- 10.82 Based on the proposed outline development and the indicative layout that has been submitted as part of the application this would undoubtedly have a vulnerable impact upon any remains, with the exception of areas of green space that will not be significantly landscaped. It has been concluded that any remains are likely to be plough damaged. The presence/absence and degree of survival of remains could be assessed by a programme of archaeological assessment and mitigation would be required for any significant remains identified.
- 10.83 ECC Archaeology has raised no objection subject to condition. This is considered to be in accordance with Local Plan Policy ENV4, Policies SP13 and HE3 of the Draft Local plan and the NPPF.

- 10.84 A desk top study relating to contamination of the site has been undertaken and submitted as part of the application. As the site has never been developed and has remained as arable land. There is low probability of migrating contamination from adjacent commercial activities. Which include the industrial estate and Tesco petrol garage. It is recommended that preliminary investigations prior to construction is undertaken to assess the extent of any contamination. This can be secured by condition should planning permission be granted. UDC Environmental Health stated that “The phase 1 site investigation has identified low risks of contamination resulting from pesticide use on site, possible made ground, and migration from adjacent sites and the report recommends further intrusive investigation.” The scheme is therefore subject to condition is considered to be in accordance with Local Plan Policy ENV14 and Policies SP8 and EN7 of the Draft Local Plan.
- 10.85 With regards to the prevention of the watercourse contamination, the development site falls within Groundwater Source Protection Zones and overlies a Principal Aquifer the EA have suggested conditions relating to details of surface water drainage and details of pollution control measures to be submitted for approval. This is in accordance with Local Plan Policy ENV12 and Policies EN3 and EN7 of the Draft Local Plan.
- 10.86 The application site is located within close proximity to the oil pipelines (located to the northeast) which extends from the AMCO storage facility. A section of the outer zone clips the northeast corner of the site whereby an attenuation pond is illustrated to be located. Whilst Fisher German have raised an objection on the proximity to MoD pipelines and storage tanks, further information from the applicant has been received clarifying the locality of the proposed development in relation to the pipelines and the HSE acknowledging this. The HSE states that “...all of the development types appear to lie outside the CD (consultation distance), and the only part of the proposed development site shown on the illustrative Masterplans which lies within the CD will contain an attenuation pond, PADHI+ should to advise against the granting of planning permission for this application.” The HSE remain the main statutory consultee and no risks have been raised by them in accordance with Local Plan Policy GEN2 therefore the application is acceptable in this respect.

## **11. Conclusion**

- 11.1 The Draft Local Plan is still at an early stage and has limited weight. At the present time the adopted Local Plan policies are still in force. However, the National Planning Policy Framework (NPPF) is a material planning consideration and this has a strong presumption in favour of sustainable development. The applicants have argued that Uttlesford cannot demonstrate an adequate 5 year supply of housing land. The Council recognises that it has a shortfall, and that it should consider favourably applications for sustainable residential development which will make a positive contribution towards meeting housing need. There is a shortfall of dwellings and as a result the Council remains without a deliverable and robust 5 year land supply. It is important that the Council considers appropriate sites.
- 11.2 The application site has been allocated within the Draft Local Plan and the proposed development will provide an economic, social and environmental role. The application site and proposal is sustainable and the scheme will further increase its level of sustainability, particularly through proposed highway improvements.
- 11.3 There is not considered to be sufficient lower grade agricultural land available that sustainably relates to the existing settlement. Therefore the application accords with Local Plan Policy ENV5.

- 11.4 Whilst the design is a reserved matter the development is capable of meeting Essex Design Guide standards, being compatible with its surroundings, providing ample playspaces, meeting Secure by Design, Code Level 3, Lifetime Homes Standards and is therefore in accordance with Local Plan Policy GEN2.
- 11.5 The submitted Transport Assessment demonstrates that the proposed development together with proposed off site and on-site highway works can be delivered without any adverse impact upon local highway conditions or road safety. Subject to no objection being raised by the Highways Authority subject to any recommended conditions, S106 obligations and appropriate highway works then the application is considered to be acceptable under highway grounds. This is further supported by recommendations that have been made within the Essex Highway Assessment that has been undertaken as part of the Draft Local Plan work.
- 11.6 The provision of footpaths and cycle paths would enhanced the site's level of sustainability, which would be secured as part of the reserved matters, should planning permission be granted. This is in accordance with Local Plan Policy GEN1.
- 11.7 Adequate parking provision is capable of being provided on site in accordance with adopted parking standards, Local Plan Policy GEN8, Local Residential Parking Standards (adopted February 2013) and Draft Local Plan Policy TA1.
- 11.8 In terms of Air Quality, no objection was raised regarding the methodology used within the submitted Air Quality Assessment or the information submitted, the impact of which is stated to be small. The application is therefore considered to accord with Local Plan Policy GEN4 and GEN2 and Draft Local Plan Policies EN5 and EN6, subject to conditions.
- 11.9 The application site is located within a landscape sensitive area primarily due to changing ground levels of the site and part open/part restricted views to various points of the site. It is acknowledged that there would be noted change in the landscape and there would be a perceived impact due to development. Fundamentally, it is a case of the degree of visual impact and whether it would result in significant detrimental harm. The scheme has been supported by a Landscape Visual Impact Assessment that demonstrates that the development would not give rise to unacceptable mid to long term visual impact. No objection has been raised by the UDC Landscape Officer subject to conditions. The scheme is therefore considered to accord with Local Plan Policy GEN2 and ENV3, and Draft Local Plan Policy C2 and HE5.
- 11.10 The proposal would provide 40% affordable housing with 5% provision of wheelchair accessible units in accordance with policy. In terms of local infrastructure the proposed development would contribute towards education and healthcare provision. Open space for recreation purposes is proposed to be offered together. A financial contribution towards Public Open Space and recreation facilities, a contribution towards a cycle path, bus stop facilities, highway works on and off site would be required in accordance with Local Plan Policy GEN6 of the Local Plan and Draft Local Plan Policy SW1.
- 11.11 The ecological conclude that the proposed development is unlikely to impact significantly on wildlife and will not lead to a significant loss of habitat area. The proposed development would provide enhancements through SUDs features, strengthened and enhanced landscaping. No objection has been raised by ECC Ecology, Environment Agency, and Natural England subject to conditions and



carrying the mitigation measures identified within the submitted ecological report. The scheme is therefore in accordance with Policy GEN7 of the adopted Local Plan, also Draft Local Plan Policies SP14 and HE4.

- 11.12 The application site is located in Flood Risk Zone 1 and has a low probability of the risk of flooding. The scheme would incorporate sustainable drainage systems through the inclusion of ponds, and underground storage, which will be subject to reserved matters and conditions should planning permission be granted. No objection has been raised by the Environment Agency subject to conditions. The scheme therefore accords with Local Plan Policy GEN3 of the adopted Local Plan and Policies SP9 and EN4 of the Draft Local Plan.
- 11.13 No adverse impact is concluded upon heritage assets subject to an archaeological condition, in accordance with Local Plan Policy ENV4, and Policies SP13 and HE3 of the Draft Local plan and the NPPF.
- 11.14 No objection has been raised regarding contamination subject to condition should planning permission be granted. This is considered to accord with Local Plan Policies ENV14 and ENV12, also Policies SP8, EN3 and EN7 of the Draft Local Plan.

#### **RECOMMENDATION – CONDITIONAL APPROVAL – SUBJECT TO S106 LEGAL OBLIGATION**

- (I) **The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an obligation to secure the following:**
- (i) **Education contribution and securing provision of 1.2ha of land for the provision of primary school.**
  - (ii) **Provision of open space within the development and transfer to Town Council or Management Company.**
  - (iii) **Financial contribution towards NHS Healthcare Facilities.**
  - (iv) **Carrying out of any highway works required.**
  - (v) **Financial contribution towards**
  - (vi) **A financial contribution towards an extension to the existing bus service serving the residential part of the development site and the installation of bus stops/shelters and layby.**
  - (vii) **Contribution of £112,700 towards the implementation/construction of the Wenden Road cycle path link scheme or 23% of the total cost, whichever is the lower.**
  - (vii) **Contribution to District Council to provide and enhance sport and recreation facilities on the land south of Thaxted Road to include improved facilities for the existing skate park, rugby pitches, running track, a pavilion/associated building or buildings and car parking.**
  - (ix) **Contribution towards the maintenance of open space for 20 years if the land is to be maintained by Town or District Council.**
  - (x) **Provision of 40% affordable housing.**
  - (xi) **Payment of monitoring fee.**
  - (xii) **Pay Councils reasonable costs.**
  - (xiii) **Travel Plan and monitoring fee**
- (II) **In the event of such an 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 an obligation by 30 May 2014 the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reasons:**

- (i) Education contribution and securing provision of 1.2ha of land for the provision of primary school**
- (ii) Provision of open space and Transfer of open space**
- (iii) Financial contribution towards NHS Healthcare Facilities**
- (iv) Carrying out of highway works required by the Essex Highways Assessment**
- (v) Financial contribution towards highway works and public transport**
- (vi) A financial contribution towards the implementation/construction of the Wenden Road cycle path link scheme**
- (vii) Contribution to District Council to provide and enhance sport and recreation facilities**
- (viii) Contribution towards the maintenance of open space for 20 years**
- (ix) Provision of 40% affordable housing**
- (x) Travel Plan and monitoring fee**

**CONDITIONS:**

1. Approval of the details of the layout, strategic highway master plan for the link road, scale, landscaping, landscape management plan, appearance and public open space (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 2 years from the date of this permission.  
(B) The development hereby permitted shall be begun later than the expiration of 1 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.

3. Before the commencement of development detailed scheme relating to measures to protect neighbouring resident's air quality during the construction phase shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

REASON: To ensure the protection of residential amenity in accordance with Policy GEN4 of the Uttlesford Local Plan (adopted 2005).

4. Before the commencement of the development (excluding demolition) hereby

permitted, an accessibility statement/drawing shall be submitted to and approved in writing by the local planning authority. The details submitted shall set out measures to ensure that the buildings are accessible to all sectors of the community. The dwellings shall be designed as 'Lifetime Homes' and with one Plot to be designed to be capable of being adapted for wheelchair use. All the measures that are approved shall be incorporated in the development before occupation.

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

5. No development shall take place until a Wildlife Protection Plan for the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include how mitigation measures for Legally Protected Species and Priority Species will be implemented prior to and during construction of the development in accordance with appropriate wildlife legislation. This shall include Method Statements where appropriate. Should pre-construction inspections identify the presence of Legally Protected Species and/or Priority Species not previously recorded, construction works shall cease immediately until such time as further surveys have been completed (during the appropriate season) and mitigation measures have been agreed in writing with the Local Planning Authority.

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) and the NPPF.

6. No development shall take place until a Biodiversity Mitigation and 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, as outlined in the Environmental Impact Assessment, dated July 2013 and shall, without prejudice to the foregoing, include:

- (i) Aims and objectives of mitigation and enhancement;
- (ii) Extent and location of proposed works;
- (iii) A description and evaluation of the features to be managed;
- (iv) Sources of habitat materials;
- (v) Timing of the works;
- (vi) The personnel responsible for the work;
- (vii) Disposal of wastes arising from the works;
- (viii) Selection of specific techniques and practices for preparing the site and/or creating/establishing vegetation;
- (ix) Appropriate management options for achieving aims and objectives;
- (x) Prescriptions for management actions;
- (xi) Ecological trends and constraints on site that may influence mitigation and enhancement measures;
- (xii) Personnel responsible for implementation of the Plan;
- (xiii) The Plan shall include demonstration of the feasibility of the implementation of biodiversity mitigation plan for the period specified in the Plan;
- (xiv) Monitoring and remedial / contingencies measures triggered by monitoring to ensure that the proposed biodiversity gains are realised in full. Monitoring shall review agreed targets at five year intervals and allow for remedial action to be agreed with the Local Planning Authority. 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 Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

7. No fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Planning Authority. The details shall ensure the lighting is designed in such a way to minimise any potential impacts upon nocturnally mobile animals. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

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) and the NPPF.

8. Should the development hereby approved not have been commenced within one year of the date of this planning permission, a further biodiversity survey of the site shall be carried out to update the information previously submitted with the application [Extended Phases 1 Habitae Survey, updated March 2014] together with an amended mitigation strategy to mitigate the impact of the development upon the identified protected or priority species. The new biodiversity survey and mitigation strategy shall be submitted to and be approved in writing by the Planning Authority prior to the commencement of the development hereby permitted and thereafter the development shall be implemented in accordance with the approved biodiversity survey and mitigation/compensation strategy.

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) and the NPPF.

9. Before the commencement of development details of the link road and timing for its completion, that shall be constructed to adoptable standards and to a minimum width of 6.75 meters up to and including the boundary of the site to allow for future extension, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with ECC Highways Authority. The Link Road shall thereafter be completed in accordance with the approved details.

REASON: To ensure that an appropriate means of access is provided to the development and to ensure roads/footways are constructed to an appropriate standard in the interests of highways safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

10. The number of parking spaces shall be in accordance with those standards set down within Essex County Council's Parking Standards – Design and Good Practice, September 2009 and Uttlesford Local Residential Parking Standards, February 2013. Parking bays to measure 5.5m x 2.9m minimum. All single garages to have minimum internal measurements of 7m x 3m and to be provided with vehicular doors a minimum width of 2.3m.

REASON: To ensure that adequate parking is provided for the development standard in the interests of highways safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

11. No development or preliminary groundworks can commence until a programme of targeted 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.

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

12. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

13. A post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority) shall be submitted to and approved by the Local Planning Authority. This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: A programme of archaeological investigation has already been completed on this site. This has included desk based assessment, fieldwalking and geophysical survey which has shown the presence of archaeological deposits in specific areas within the development. The reports are very thorough and provide a detailed assessment of the significance of the historic environment assets which are likely to be impacted by the proposed development. This office supports the view within this report that a programme of targeted trial trenching, followed by open area excavation will be required if the application receives permission. A professional team of archaeologists should undertake the archaeological work. It is recommended that an initial series of trial trenches is excavated followed by open area excavation if archaeological deposits are identified. This is in accordance with in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

14. Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA), ref. R-FRA-R6694PP-01, dated December 2013, 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:

- Evidence that preference has been given to the use of infiltration drainage where possible.
- A restriction in run-off and surface water storage on site, as outlined in the FRA.
- Details of how the scheme shall be maintained and managed after

REASON: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity, in accordance with Policy GEN3 and GEN7 of the Uttlesford Local Plan (adopted 2005)

15. No occupation of dwellings approved by this permission shall occur until the agreed scheme for improvement and/or extension of the existing sewage system has been submitted to and approved in writing by the Local Planning Authority, and thereafter

implemented in accordance with the approved details. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: There is insufficient capacity within the existing sewerage infrastructure to accommodate additional foul flows from this site. ii. The development could create and/or exacerbate foul flooding and spills from existing overflows in the absence of improvements to the sewer system, in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

16. Prior to the commencement of any development, a scheme for the provision and implementation of water pollution control shall be submitted and agreed in writing with the Local Authority. The development hereby permitted shall be constructed and completed in accordance with the approved plans/specifications.

REASON: To prevent the increased risk of pollution to the water environment, in accordance with Policy ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

17. Prior to the commencement of development a scheme for the provision and implementation of water, energy and resource efficiency measures, also full details of renewable energy schemes 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 the agreed timetables.

REASON: To enhance the sustainability of the development through better use of water, energy and materials, and to ensure the development does not endanger the safe movement of aircraft or the operation of Stansted Airport through interference with Communication, navigational aids and surveillance equipment, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and Supplementary Planning Document for Energy Efficiency and Renewable Energy (October 2007).

18. 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. Thereafter the development hereby permitted 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, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and Supplementary Planning Document for Energy Efficiency and Renewable Energy (October 2007).

19. In the event that contamination is found at any time when carrying out the approved development, it must be reported immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An investigation and risk assessment to assess the nature and extent of the contamination must be completed and submitted to and approved in writing by the Local Planning Authority. If identified as being necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing

unacceptable risks to human health and other relevant receptors must be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s). Remediation of the site shall be carried out in accordance with the approved scheme. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

20. Before the commencement of development details of a plant/machinery, noise (which would incorporate the expose of noise from Radwinter Road upon the residential properties) and dust mitigation (which shall incorporate the identified mitigation measure within Table 19 of the Air Quality Assessment, submitted 12 March 2014) shall be submitted to and approved by the Local Planning Authority, and thereafter implemented in accordance with the approved details.

REASON: In the interest of protecting the residential amenity of existing and future residents and the amenity of the locality, in accordance with Policy GEN4 and GEN2 of the Uttlesford Local Plan (adopted 2005).

## APPENDIX B

Plot Number	Tenure	Number of Bedrooms	Number of Parking Spaces	Garden Amenity Size (m <sup>2</sup> )
1	Private	5	3	111.64
2	Private	3	2	120.99
3	Private	3	3	121.64
4	Private	4	3	103.66
5	Private	4	3	113.14
6	Private	3	2	112.50
7	Private	3	2	100.34
8	Private	5	3	114.36
9	Private	5	3	143.76
10	Private	5	4	208.32
11	Private	5	4	206.95
12	Private	5	4	183.08
13	Private	5	4	216.27
14	Private	5	4	182.93
15	Private	5	3	147.85
16	Private	5	3	145.37
17	Private	5	3	146.12
18	Private	4	3	105.37
19	Private	4	3	101.47
20	Private	4	3	89.66
21	Private	4	3	100.28
22	Private	4	3	108.07
23	Private	4	3	112.73
24	Private	5	3	246.38
25	Private	5	3	166.56
26	Private	5	3	156.02
27	Private	4	3	103.27
28	Private	4	3	102.19
29	Private	5	3	166.18
30	Private	5	3	124.43
31	Private	4	3	116.81
32	Private	4	3	103.37
33	Private	4	3	101.26
34	Private	4	3	112.04
35	Private	4	3	143.22
36	Private	4	3	100.39
37	Private	4	3	151.90
38	Affordable	1	1	229.28(C)
39	Affordable	1	1	229.28(C)
40	Affordable	1	1	229.28(C)
41	Affordable	1	1	229.28(C)
42	Affordable	1	1	229.28(C)
43	Affordable	1	1	229.28(C)
44	Affordable	1	1	229.28(C)
45	Affordable	1	1	229.28(C)
46	Affordable	1	1	229.28(C)
47	Private	3	2	101.71



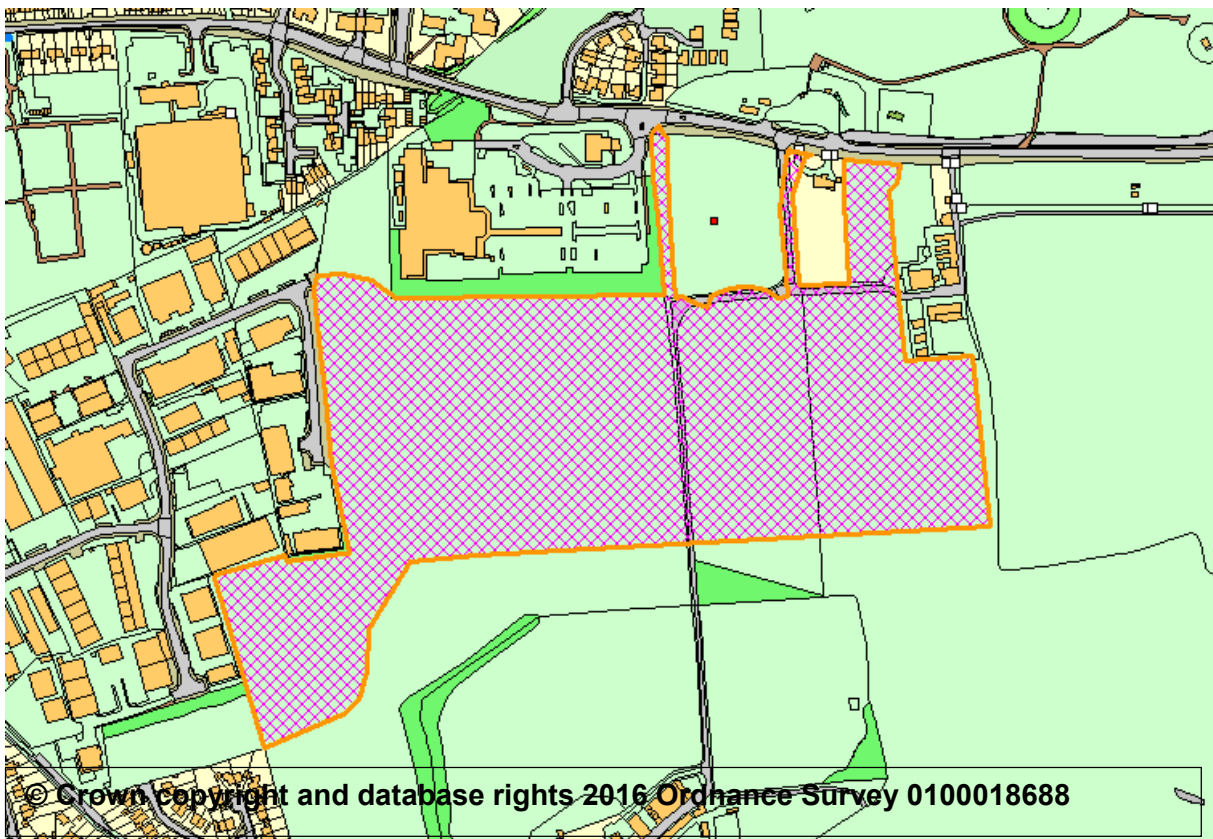
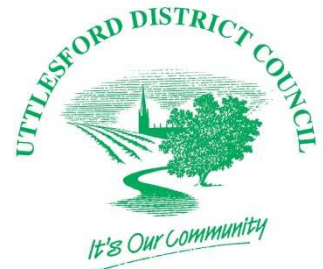
48	Private	3	2	107.17
49	Private	3	2	119.14
50	Private	5	3	123.32
51	Private	4	3	228.17
52	Private	4	3	142.42
53	Private	4	3	170.80
54	Private	4	3	112.24
55	Private	4	3	149.99
56	Private	5	4	130.09
57	Private	5	4	218.78
58	Private	5	4	185.23
59	Private	5	4	209.72
60	Private	5	4	193.29
61	Private	5	3	174.86
62	Private	4	3	110.06
63	Private	4	3	100.05
64	Private	4	3	100.06
65	Private	4	3	109.24
66	Private	5	3	155.46
67	Affordable	3	2	108.23
68	Affordable	2	2	51.78
69	Affordable	2	2	56.49
70	Affordable	2	2	116.04
71	Affordable	2	2	79.05
72	Affordable	2	2	81.74
73	Private	4	3	113.88
74	Private	4	3	166.99
75	Private	4	3	125.98
76	Private	3	2	195.01
77	Affordable	2	2	80.42
78	Affordable	2	2	60.07
79	Affordable	2	2	45.26
80	Affordable	2	2	45.49
81	Affordable	2	2	47.55
82	Affordable	2	2	84.18
83	Affordable	3	2	101.16
84	Affordable	3	2	117.46
85	Affordable	3	2	116.43
86	Affordable	3	2	110.37
87	Affordable	3	2	110.38
88	Affordable	3	2	138.03
89	Private	4	3	191.17
90	Private	4	3	111.45
91	Private	4	3	120.76
92	Private	4	3	131.04
93	Private	4	3	114.81
94	Private	3	2	100.19
95	Private	3	2	125.89
96	Private	3	2	125.89
97	Private	3	2	131.26
98	Affordable	3	2	109.09
99	Affordable	3	2	104.33

100	Affordable	2	2	63.82
101	Affordable	2	2	58.05
102	Affordable	2	2	60.70
103	Affordable	2	2	99.06
104	Affordable	2	2	59.62
105	Affordable	2	2	99.97
106	Affordable	4	2	116.76
107	Affordable	4	2	116.04
108	Affordable	2	2	122.33
109	Affordable	2	2	149.19
110	Private	3	2	126.74
111	Private	4	3	135.05
112	Private	3	3	109.27
113	Private	2	2	100.51
114	Private	2	2	112.38
115	Private	3	2	135.79
116	Affordable	1	2	127.43
117	Affordable	1	2	127.23
118	Affordable	3	2	151.92
119	Affordable	3	2	118.7
120	Affordable	3	2	121.9
121	Affordable	3	2	119.69
122	Affordable	3	2	117.74
123	Affordable	3	2	124.99
124	Private	5	4	252.59
125	Private	4	4	166.13
126	Private	4	3	157.94
127	Private	4	3	156.05
128	Private	4	3	169.66
129	Private	4	3	160.50
130	Private	4	3	184.17
131	Private	4	3	120.12
132	Private	4	3	147.75
133	Private	4	3	153.91
134	Private	4	3	125.50
135	Private	4	3	157.88
136	Affordable	3	2	117.91
137	Affordable	3	2	104.13
138	Affordable	3	2	111.18
139	Affordable	3	2	111.23
140	Affordable	3	2	104.09
141	Affordable	3	2	107.24
142	Private	5	4	203.39
143	Private	4	4	164.23
144	Private	5	4	287.18
145	Private	5	4	300.07
146	Private	4	3	193.73
147	Private	4	3	137.43
148	Affordable	2	2	50.00
149	Affordable	2	2	50.34
150	Affordable	2	2	55.11
151	Affordable	2	2	110.93

152	Private	5	3	118.37
153	Private	5	6	171.82
154	Private	5	6	147.23
155	Private	2	2	84.21
156	Private	3	3	216.24
157	Private	3	2	186.95
158	Private	2	2	118.42
159	Private	5	3	120.68
160	Private	4	3	133.77
161	Private	5	6	149.02
162	Private	2	2	89.64
163	Private	2	2	50.54
164	Private	2	2	80.62
165	Private	4	3	209.18
166	Private	5	4	266.05
167	Private	3	2	128.7
168	Affordable	2	2	85.96
169	Affordable	2	2	58.07
170	Affordable	2	2	100.41
171	Private	4	3	133.59
172	Private	5	4	210.54
173	Private	4	3	111.87
174	Affordable	3	2	126.69
175	Affordable	3	2	110.58
176	Affordable	2	2	79.34
177	Affordable	2	2	62.41
178	Affordable	2	2	54.72
179	Private	5	4	207.60
180	Private	5	4	149.11
181	Private	4	3	180.25
182	Affordable	2	2	97.01
183	Affordable	2	2	57.88
184	Affordable	2	2	52.47
185	Private	3	2	100.39
186	Private	3	2	100.12
187	Affordable	1	1	261.12(C)
188	Affordable	1	1	261.12(C)
189	Affordable	1	1	261.12(C)
190	Affordable	1	1	261.12(C)
191	Affordable	1	1	261.12(C)
192	Affordable	1	1	261.12(C)
193	Affordable	1	1	261.12(C)
194	Affordable	1	1	261.12(C)
195	Affordable	1	1	261.12(C)
196	Private	3	2	110.38
197	Private	3	2	102.29
198	Private	4	2	100
199	Private	4	3	123.39
200	Private	5	3	174.02
	80 Affordable houses	38 Visitors parking spaces		

Application Number: UTT/16/1856/DFO

Address: Land South of Radwinter Road  
Saffron Walden



Organisation: Uttlesford District Council

Department: Planning

Date: 28 December 2016

**UTT/16/2436/FUL – (FELSTED)**

(Minor)

**PROPOSAL:** Variation of condition 2 (Landscaping) of UTT/15/1615/DFO to "All hard and soft landscape works shall be carried out in accordance with the approved details as shown on drawing no PR029.01G. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority."

**LOCATION:** Former Dunmow Skips Site, Station Road, Felsted

**APPLICANT:** Persimmon

**AGENT:** Mr W Vote – Persimmon

**EXPIRY DATE:** 16 January 2017

**CASE OFFICER:** Karen Denmark

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**1. NOTATION**

1.1 Outside Development Limits

**2. DESCRIPTION OF SITE**

2.1 The site is located to the north of the Flich Green estate on the western side of Station Road. It covers an area of 1.09ha and formerly comprised a pair of semi-detached cottages on the northern third of the site with the remaining two thirds formerly used as a waste transfer station. There were some structures on the site which were used as part of the previous use. The waste transfer activities have now been relocated to Chelmsford and the site is vacant and has now been cleared and the residential development is significantly advanced.

**3. PROPOSAL**

3.1 The proposal relates to the variation of condition 2 which specified that the landscaping works shall be carried out in accordance with the details on plan no PR029.01B. Due to the removal of existing landscaping along the boundaries of the site a revised landscaping scheme has been prepared on drawing no. PR029.01G and as such the drawing number referred to in condition 2 needs to be amended.

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

- 4.1 This application seeks to vary the drawing number referred to in Condition 2 from "PR029.01B" to "PR029.01G". Whilst the landscaping works identified in Condition 2 can still be implemented as approved, a change is sought to show the arrangement and species of landscaping along the site perimeter. Such detail was absent in approved drawing PR029.01B. This landscaping detail is now proposed in drawing no. PR029.01G and shows the re-provision of a hedgerow along the site perimeter.
- 4.2 The site originally included a hedgerow along the site boundary, which has since been removed. The hedgerow was removed to allow the construction of a retaining wall near this boundary, which was also approved as part of the planning application. The previously submitted "Arboricultural Method Statement" (dated September 2015) identified the hedgerow as of "low quality" and also unmaintained and sporadic. However, it did also identify that it provided valuable screening. This now presents an opportunity to provide an unbroken hedgerow of higher quality than previously existed and to reinstate a visual screen; the details of which are submitted with this application.

#### **5. RELEVANT SITE HISTORY**

- 5.1 UTT/15/1615/DFO: Details following outline application UTT/13/2340/OP (outline application for removal of existing earth bunds; demolition of 1 and 2 Pit Cottages and other buildings/hard standings on site; and erection of 40 dwellings with associated access, parking and garaging and provision of public open space) – details of appearance, landscaping, layout and scale – Approved 30 July 2015.
- 5.2 UTT/14/3675/DFO: Details following outline application UTT/13/2340/OP (outline application for removal of existing earth bunds; demolition of 1 and 2 Pit Cottages and other buildings/hard standings on site; and erection of 40 dwellings with associated access, parking and garaging and provision of public open space) – Refused 1 May 2015 on grounds of cramped layout, lack of play facilities, insufficient boundary screening and lack of visitor parking.
- 5.3 UTT/13/2340/OP: Removal of existing earth bunds and demolition of 1 and 2 Pit Cottages and other buildings/hard standings on site. Outline application for the erection of 40 dwellings with associated access, parking and garaging and provision of public open space. All matters reserved except access – Approved subject to S106 27 October 2014.

#### **6. POLICIES**

##### **6.1 National Policies**

- National Planning Policy Framework

##### **6.2 Uttlesford Local Plan (2005)**

- S7 – Countryside  
- GEN2 - Design

#### **7. PARISH COUNCIL COMMENTS**

- 7.1 From the original plan that Persimmon was granted planning permission for the Oak tree remains, but ALL other hedges have been removed contrary to the said permission. Having removed all of the well-established hedges H13, H14 and H15, which screened the site and blended in with the landscape they have then applied for a variation of the plan.
- 7.2 Having previously complained to UDC about the removal of the hedges and trees we were assured that they would be replanted like for like. Nearby residents are extremely frustrated and angry that this has been allowed to happen.
- 7.3 One of our residents has protested to the site manager, who says they will erect a fence. This is NOT an acceptable alternative to the mature mixed hedging which has been deliberately removed prior to seeking the variation.
- 7.4 The Parish Council supports its residents in demanding the replanting at once, to give the best chance of re-establishing a sympathetic screen.

## **8. CONSULTATIONS**

### **ECC Highways**

- 8.1 From a highways and transportation perspective the Highway Authority has no comments to make to this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

### **Landscape Officer**

- 8.2 (Verbal comments): The landscaping details as shown on drawing PR029.01G are acceptable.

## **9. REPRESENTATIONS**

- 9.1 This application has been advertised and two letters of representation have been received. Notification period expired 22 November 2016.
- 9.2
- Support variation although still consider development too large
  - Site was originally surrounded by trees, which sheltered the area, stabilised the soil and provided screening
  - Removed with consent of UDC
  - Please conserve our trees and hedges and ensure that contractors stick to what has been agreed and maintain the planting going forward
  - Existing planting should not have been removed in the first place
  - Leaving planting till all the houses are occupied or completion of development is rather vague as to when the planting will actually take place
  - Protection of the existing boundary screening was a fundamental element of the development of this site

## **10. APPRAISAL**

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

A Whether it would be justifiable in policy terms to vary Condition 2 of UTT/15/1615/DFO (NPPF; ULP Policies S7, GEN2)

**A Whether it would be justifiable in policy terms to vary Condition 2 of UTT/15/1615/DFO (NPPF; ULP Policies S7, GEN2)**

10.1 The Planning Practice Guidance states that, *“In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application.”* (Paragraph: 031 Reference ID: 21a-031-20140306)

10.2 Paragraph 206 of the NPPF states that, *“Planning conditions should only be imposed where they are:*

- 1. Necessary;*
- 2. Relevant to planning and;*
- 3. To the development to be permitted;*
- 4. Enforceable;*
- 5. Precise and;*
- 6. Reasonable in all other respects.”*

10.3 The condition the subject of this application relates to the hard and soft landscape works which were shown on drawing no. PR029.01B, submitted with application UTT/15/1615/DFO. The approved drawing showed the existing boundary landscaping to be retained. During the course of construction this has been removed.

10.4 The applicant’s case is that the existing boundary hedging was removed in order to construct the retaining wall which formed part of the approved scheme. However, it should be noted that the retaining wall was only shown on drawing nos IP14\_026.11/006 and 007 which related to the proposed drainage scheme. The drainage scheme was found to be inadequate and, as such, these drawings were not approved. Therefore, this part of the development has been carried out in accordance with drawings which were not part of the approved scheme and the applicant’s argument is flawed.

10.5 Drawing nos SAF-002 – Masterplan and SAF-003 – Detailed Layout did not include details of the proposed retaining wall. These too showed the existing boundary screening to be retained. The Council’s decision was made on the basis of the understanding that the screening would be retained and that this would minimise the visual impacts of the proposals.

10.6 It should be noted that condition 3 imposed on the decision under reference UTT/15/1615/DFO required the submission of a scheme showing the measures for the protection of the existing boundary trees and hedges shall be submitted to and approved in writing by the local planning authority. This was required to be submitted prior to the commencement of construction on site.

10.7 The details required by condition 3 were submitted following significant works being carried out on site, including the clearing of the site of vegetation. The application to discharge the condition (UTT/16/0548/DOC) was subsequently refused for the following reason:

*“The details submitted for condition 3 (protection of tree/hedges) attached to*



*planning permission UTT/15/1615/DFO are hereby inappropriate. This was a pre-commencement condition which required details to be submitted to the local authority before any works commence. Significant works have commenced on site which include completely clearing the site of any built form and vegetation and commencing on the foundations of the new buildings. Furthermore, the works that have been carried out and in the process of being carried out are not in accordance with the submitted Arboricultural Method Statement dated 22 September 2015 prepared by Sothern Ecological Solutions. The details submitted are therefore contrary to Policy GEN2 of the Local Plan as Adopted (2005) and the National Planning Policy Framework.”*

- 10.8 It should also be noted that condition 1 required the submission and approval of a drainage scheme prior to the commencement of works on site. The proposed drainage scheme submitted to discharge this condition was considered to be inappropriate and was refused under reference UTT/16/0548/DOC for the following reason:

*“The details submitted for condition 1 (drainage details) attached to planning permission UTT/15/1615/DFO are hereby inappropriate. In particular, a lack of information was submitted with the application that demonstrates how the drainage strategy has been arrived at, with reference to the outline Flood Risk Assessment and the final impermeable areas which influence the allowable runoff rate and required storage volume. In addition it has not been demonstrated how appropriate water quality treatment is provided with reference to the indices approach in the CIRIA SuDS Manual (C753). Without this information the Local Planning Authority are unable to accurately assess the potential impacts in relation to flood risk and what mitigation measure might be required and therefore the development is contrary to local policy ENV3 Local Plan as Adopted (2005) and the National Planning Policy Framework.”*

- 10.9 Subsequently, the applicant has been in discussions with the LLFA at Essex County Council to resolve this issue. Additional information has been submitted which would be sufficient to discharge the condition. However, given the advanced stage of works on the site it is not possible to discharge this pre-commencement condition. Therefore, it is proposed to amend condition 1 to permit the scheme to be carried out in accordance with the revised drainage scheme.
- 10.9 Significant damage has been done in terms of visual impacts as a result of the hedgerow being removed. The applicant may argue that it was of low quality, but it was a mature hedgerow and provided significant screening. As a result, the site is now very prominent within the landscape and the development appears harsh and inappropriate in its context. Planning permission was originally granted on the basis that this was a brownfield site.
- 10.10 The proposed planting as shown on drawing no. PR029.01G is considered appropriate in terms of its species mix. However, this will take time to become established. Once established it will help to mitigate the visual impacts of the development now taking place. In this instance, it is not possible to undo the damage that has taken place as a result of the actions of the developer. Officer's opinion is that the landscaping would be acceptable. However, in order to protect the character of the rural area it is considered that a condition preventing the erection of close-boarded fences to the boundaries of the site would be appropriate. On balance, it is recommended that the application be approved.

- 10.11 Due to the circumstances on site condition 1 will need to be amended to secure the appropriate drainage scheme for the site. Condition 3 is no longer relevant as the hedgerow has been removed. Condition 4 has been discharged under reference UTT/16/0548/DOC.

## 11. CONCLUSION

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

- A The proposal seeks to amend the approved hard and soft landscaping drawing from PR029.01B to PR029.01G. This follows the removal of the existing boundary hedgerows due to the construction of retaining walls which were only shown on the drainage drawings which were not part of the approved scheme. The proposal cannot fully resolve the harm that has arisen as a result of the developer, but it can partially mitigate it. On balance, it is recommended that the application be approved.

## RECOMMENDATION – APPROVAL WITH CONDITIONS

### Conditions

1. The development shall be carried out strictly in accordance with the Drainage Assessment (Issue 3: 8 December 2016) prepared by Michael Pearce, and drawing no PHE/928/501.

REASON: To ensure the development does not increase the risk of flooding within the site or the vicinity of the site, in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005).

2. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on drawing no PR029.01G. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development, in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).

3. The development shall be carried out in accordance with the Construction Method Statement as approved under reference UTT/16/0548/DOC.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

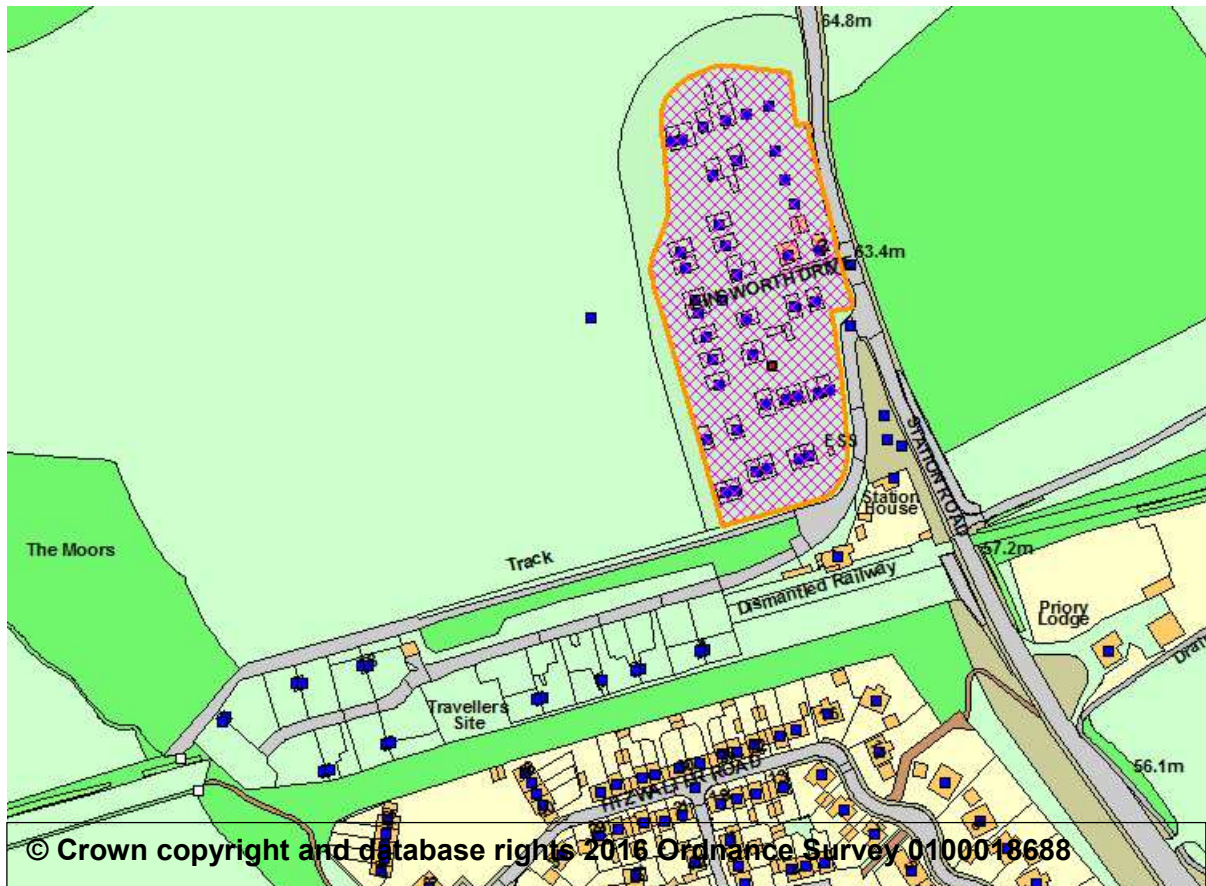
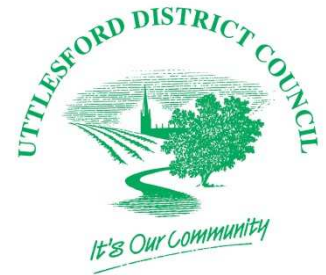
4. Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no fences, gates or walls shall be constructed within the site or on the site boundaries without the prior written permission of the local planning authority.

REASON: To ensure the development is in accordance with the character of its surroundings, in accordance with Uttlesford Local Plan Policies S7 and GEN2 (adopted 2005).

Application Number: UTT/16/2436/FUL

Address: Former Dunmow Skips Site, Station Road Felsted



Organisation: Uttlesford District Council

Department: Planning

Date: 23 December 2016

**UTT/16/2538/FUL – (Newport)**

(Referred to Committee by Cllr Hargreaves. Reason - Poor access)

**PROPOSAL:** Demolition of existing dwelling and construction of five dwellings including associated parking.

**LOCATION:** Redbank, Bury Water Lane, Newport

**APPLICANT:** Mr & Mrs A Sivell

**AGENT:** Landmark Town Planning Group

**EXPIRY DATE:** 27 January 2017

**CASE OFFICER:** Clive Theobald

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**1. NOTATION**

1.1 Part within / Part outside Development Limits / adjacent to conservation area.

**2. DESCRIPTION OF SITE**

2.1 The site is situated on the north side of Bury Water Lane and comprises a narrow, rectangular and sloping residential land plot of approximately 0.27 ha containing a single dwelling which stands to the rear of residential properties fronting onto Bury Water Lane and to the immediate west of Joyce Frankland Academy. The site is accessed from Bury Water Lane by a long single width tarmac entrance drive, whilst a public footpath runs parallel with the drive from Bury Water Lane past the site along its eastern banked boundary and continues in a northwards direction alongside the side boundary with the school through to the top of Whiteditch Lane. The dwelling on the site is positioned in a slightly elevated position towards the enclosed rear boundary, whilst the front of the site is set mainly to grass either side of the approach drive. Wyndham Croft lies to the rear of the site.

**3. PROPOSAL**

3.1 This full application proposal relates to the demolition of the existing dwelling on the site and the erection of 5 no. detached dwellings with garaging and hardstanding parking spaces, together with private drive and turning area and represents a revised housing scheme for this site to the scheme refused under application UTT/15/2460/OP.

3.2 The dwellings would be two storied designed in traditional style and would comprise 4 no. four bedroomed units and 1 no. three bedroomed unit comprising the following:

Plot	Bedrooms	Garden amenity size	Parking
1	3	125sqm	3 No. spaces
2	4	102sqm	3 No. spaces
3	4	103sqm	3 No. spaces
4	4	140sqm	3 No. spaces
5	4	250sqm	4 No. spaces

- 3.3 The site layout for the scheme also shows 2 no. visitor parking spaces for the development behind a central turning area to accommodate refuse, delivery and emergency vehicles where a vehicle radius is shown on the site layout drawing. The private drive is shown at a width of 3.7m extending for its length with the exception of the frontage onto Bury Water Lane where it is shown at 5.5m for a distance of 8.2m back from the edge of the carriageway and at 4.8m at the central turning area. A bin collection point is shown within a recessed area at the front of the site. Nominal landscaping is shown for the rear boundary line of each plot within the development.

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

- 4.1 It is stated in the applicant's submitted Design & Access Statement that the revised housing scheme now fully overcomes the Council's reason for refusal cited for UTT/15/2460/OP with reference to housing number, layout, scale and parking where it is pointed out that ECC Highways did not raise any highway objections to the previously submitted proposal. It is further stated that the reduced number of dwellings proposed would be able to be accommodated on the site without compromising indicated access arrangements or the existing public footpath which runs along the side of the site. Paragraphs 1.2.6., 1.2.7. and 1.2.8. of the statement make particular reference to proposed access provision where it is stated as follows:
- 4.2 "In the first instance, the decision made under reference UTT/14/3265/OP appears to have been based in part on a misunderstanding of Government policy and in part in the belief that the planning application submitted was for detailed planning permission, not outline.

Secondly, under reference UTT/15/2460/OP our clients should have had a reasonable expectation of consistency in decision making by the Local Planning Authority. This practice commends the Officer's report that set out clearly and in depth how this application complied with policy both at National and Local level, and how it directly addressed some of the points raised in the earlier application: there was a reduction in density to only seven units; the Highways Authority, and indeed the refuse department of the Council, offered no objection and (not least); the application was in outline form.

Paragraph 32 in the NPPF sets out clear advice to Local Planning Authorities when considering applications against a Highway refusal. To advance a Highways refusal, the support of the Highways Authority is required. On two occasions, the Highways Authority has stated no objection. Members of the Planning Committee ignored the advice of Officers of the Council and Highways Officers and refused the planning application for reasons that they could not evidence.

This planning application in detailed form will allow Members of the Planning Committee to reconsider their decision made under reference UTT/15/2460/OP. It provides additional detail which shows a reduction in density, a high quality design, and – once again – a fully compliant scheme in terms of NPPF and Highways Policy".

#### **5. RELEVANT SITE HISTORY**

- 5.1 Outline planning permission for the erection of 10 no. dwellings with new access road with all matters reserved except access involving the demolition of the existing dwelling at Redbank refused on 13 March 2015 (UTT/14/3265/OP). The application was refused for the following reasons:

- 1 The proposed illustrative drawing showing 10 no. town houses comprising of two and three and half storey residential buildings would not be compatible with the character of the area and its immediate built environment in terms of the siting, form, scale and appearance of the dwellings contrary to ULP Policies GEN2 and H3 of the adopted Uttlesford Local Plan (2005).
- 2 The proposed illustrative drawing for 10 town houses within this part of Newport would adversely add pressure to local infrastructure in the absence of any agreement for the provision of affordable housing and financial contributions to mitigate the education capacity impact and the provision of affordable housing within Newport. The proposal is therefore contrary to ULP Policy GEN6 of the adopted Uttlesford adopted Local Plan (2005).

5.2 A subsequent appeal against the Council's decision was subsequently withdrawn on 28 August 2015.

5.3 Outline permission for the erection of 7 no. dwellings with all matters reserved except access involving the demolition of the existing dwelling at Redbank refused on 25 November 2015 (UTT/15/2460/OP). The application was refused for the following reason:

"The development by reason of the number of dwellings proposed would result in a cramped housing layout leading to inadequate rear amenity provision for each dwelling and inappropriate resident parking arrangements which is likely to lead to vehicular conflict on the site in view of the nature of the proposed access road. Furthermore, the indicated site layout does not show any provision for a communal bin storage area where such provision would appear to be compromised by the number of dwellings proposed and the width of the site access. The proposal would therefore be contrary to the provisions of the NPPF which seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and ULP Policies GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005)".

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework

### **6.2 Uttlesford Local Plan (2005)**

- ULP Policy S3 – Other Settlement Boundaries
- ULP Policy S7 – The Countryside
- ULP Policy H3 – Infilling with new houses
- ULP Policy H4 – Backland Development
- ULP Policy H9 – Affordable Housing
- ULP Policy H10 – Housing Mix
- ULP Policy ENV4 - Ancient Monuments & Sites of Archaeological Importance
- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design
- ULP Policy GEN3 – Flood Protection
- ULP Policy GEN7 – Nature Conservation

Essex County Council Parking Standards – Design and Good Practice (Sept 2009)

## 7. PARISH COUNCIL COMMENTS

7.1 (It should be noted that the comments submitted for this application are the same as those submitted for planning application UTT/15/2460/OP):

“We believe the information supplied by the applicant’s agent is incorrect as development is shown on land they do not own.

The topographical survey supplied with the application differs with the land registry documents that we have provided in the Parish Councils objection submission”.

7.2 Comments:

1. The proposed dwellings would be outside development limits
2. No new houses should be built until the road infrastructure is improved. Newport Parish Council’s policy on any new applications, which involve School Lane and Bury Water Lane, has always been that no new houses should be built until the road infrastructure is improved.
3. The proposal includes a 5.5M road within the site which would come out on to Bury Water Lane which is a narrow lane. Additional housing will increase demands on the lane and lead to congestion.
4. Redbank does not own the full 5.5M at entrance
5. There is currently no continuous footpath or pavement to the main Cambridge Road (B1383) or any planned with this proposal which is contrary to Policy SPD2. The increase in traffic caused to the lane by this application would be extremely dangerous for pedestrians and particularly the disabled.
6. The distance to the Primary School and other village amenities is considered unreasonable.
7. Each development is being considered separately rather than looking at the total; no upper limit has been placed on the number of houses that can be built on White Ditch Lane or Bury Water Lane
8. This will be an additional load on our already inadequate foul water sewage system.
9. There is a significant flood risk; flooding has occurred on numerous occasions in the past and no doubt this will happen more frequently due to our changing climate. Earlier this year the junction of Bury Water Lane/School Lane was totally impassable. The surface water runoff from this proposed site will exacerbate the problem.
10. Proposals out of context with setting and village in terms of style or profile.
11. There is now an adequate supply of land and developments approved within Uttlesford to meet the five year needs of the Local Development Plan. Since this land lies outside the proposals within the Local Development Plan, as well as the village development limits, combined with other problems associated with this site, it should be rejected.
12. The proposed buildings are four bedroom houses. Development Management Policies intended that three quarters of all new build houses in Uttlesford should be three bedroomed or less. While this policy appears to have been lost in the consultation process, it should not be lost sight of.
13. There is inadequate parking provision and no parking for visitors which is likely to lead to vehicular conflict due to the proposed access road.
14. No swept path analysis
15. Insufficient access details and proposed rearrangement of public footpath or



- pedestrian access to public transport.
16. There are no parking spaces for residents of Bury Water Lane.
  17. The density is too high and not in keeping with the village and surrounding properties.
  18. The amenity area is inadequate and contrary to Policy GEN2.
  19. The provision for refuse bins is inadequate.
  20. There is no provision for disabled carriages.
  21. The PC believes tandem parking is not workable.
  22. Access to the proposed site is opposite a row of sixteenth century listed cottages that have no parking provision. This would therefore restrict access for construction vehicles and subsequent utility vehicles, i.e. fire, refuse vehicles etc.
  23. A fire engine would not be able to gain access as cars parked opposite, outside the cottages, reduces the road to a single track.
  24. UDC plan for 50 “windfall” houses per year. Newport seems to have had a very large share of these.

Please carry out a formal site visit before making a decision on this application and ensure that the visit is on a day when the Joyce Frankland Academy is open”.

## **8. CONSULTATIONS**

### **Aerodrome Safeguarding Authority for Stansted Airport**

- 8.1 The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with any safeguarding criteria. Accordingly, the Aerodrome Safeguarding Authority for Stansted Airport has no safeguarding objections to the proposal.

### **ECC Highways**

- 8.2 This latest planning submission is now for 5 dwellings and can therefore be served by a private drive which should have a width of 5.5 metres for the first 6 metres as shown on the submitted drawings. The access therefore complies with the emerging highway authority standards and allows 2 vehicles to enter and exit the site simultaneously without causing any delay to vehicles in Bury Water Lane. From a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to recommended highway conditions.

### **ECC Ecology**

- 8.3 No objections. The site contains managed gardens and four buildings. All buildings were subject to an inspection for bat evidence and none was found. Nonetheless, the precautionary measures set-out on page 10 of the submitted Preliminary Ecological Assessment should be followed. The habitats on site are judged to be of limited conservation interest only providing habitat for nesting birds (all of which are legally protected). Impose bird nesting informative.

### **ECC Archaeology**

- 8.4 **RECOMMENDATION:** An Archaeological Programme of Trial Trenching followed by Open Area Excavation - Reason: The Historic Environment Record and the Historic Environment Characterisation study indicate that the proposed development lies within a potentially sensitive area of heritage assets. No information has been

submitted with the application with regard to the potential historic environment impacts of the proposed scheme.

## 9. REPRESENTATIONS

9.1 Five representations received (Object). Neighbour notification period expires 3 October 2016 Advertisement expires 13 October 2016. Site notice expires 13 October 2016.

The neighbour representations are similar in nature to those received for UTT/15/2460/OP, which relate to the following main issues:

- Inappropriate location for residential development where Bury Water Lane suffers from serious congestion during school start and finishing times at Joyce Frankland Academy;
- The number of dwellings proposed is still too high for the site;
- The development would contribute to surface water flooding in the area where Wicken Water floods lower down stream from the site;
- Vehicular access shown for the development is compromised by poor visibility in each direction along Bury Water Lane and because of adjacent private front hardstanding areas on which resident cars are parked.
- The development would cause conflict with the adjacent designated public footpath;
- Dispute about the extent of ownership of the site

## 10. APPRAISAL

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

- A Principle of development, including sustainability, flood risk and countryside protection (NPPF and ULP Policies S3, S7, H3, H4, GEN2 & GEN3).
- B Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8).
- C Housing mix (ULP Policy H10).
- D Whether the proposal would be harmful to protected species (ULP Policy GEN7).

### **A Principle of development, including sustainability, flood risk and countryside protection (NPPF and ULP Policies S3, S7, H3, H4, GEN2 and GEN3)**

10.1 The application site is situated on the north-west edge of the built-up area for Newport, which is regarded as being a key settlement for future growth for Uttlesford district in the Council's adopted local plan in view of the availability of local services it provides for the village and surrounding area. Therefore, consideration has to be given in this context and in view of the site's location as to whether the proposed development would amount to a presumption in favour of sustainable development in accordance with the requirements of the National Planning Policy Framework (NPPF). The NPPF identifies three dimensions to sustainable development; economic, social and environmental where these dimensions are not to be treated in isolation as they are to be seen as being mutually dependent.

10.2 The economic argument is such of course that the proposed development would generate economic activity for the duration of the development and has a limited wider impact beyond this. In terms of the social dimension, the site is located immediately adjacent to a large school complex which has a large catchment area

and is within close range of local services and amenities within the village. Set against this social dimension, the site is regarded as having good social connectivity in terms of its location where this has previously been considered to be the case for other development sites along Bury Water Lane, White Ditch Lane and also for Redbank itself under UTT/15/2460/OP.

- 10.3 In environmental terms, the site forms a single dwelling garden strip adjacent to the school in what can be considered to be a backland location, albeit that an access track currently serves the site. The majority of the site lies outside development limits (the settlement boundary runs along the rear of Rivendell, South View and Hill View to incorporate the front end of the entrance track) and is strictly contrary to ULP Policy S7 because of this. However, the site beyond the public footpath to the eastern boundary is bordered by school buildings, whilst Chadam House and the extensive grounds in which it stands is situated to the immediate west. The residential development of the site as proposed would therefore not have a damaging impact on the wider countryside at this location and the proposal would not as a consequence of this be contrary to the countryside protection aims of ULP Policy S7 or the environmental strand of the NPPF. As such, it is considered that the proposal would represent a presumption in favour of sustainable development when viewed against the three sustainability dimensions of the NPPF.
- 10.4 As with the previously submitted applications for this site, the housing layout would have a linear form following up the side of a new private drive. The dwellings would have a traditional design and appearance and would be appropriate for the site's location in keeping with the general character of the area at the edge of the conservation area which comprises a mixture of single storey and two storey housing. The reduction in the number of dwellings for the site from seven as shown for UTT/15/2460/OP to five means that the spacing between dwellings has increased resulting in improved rear garden amenity space for each dwelling to meet Essex Design Guide minimum garden standards and also improved parking arrangements for each dwelling. As such, it is considered that the revised scheme now sufficiently overcomes the layout and design concerns previously expressed by Members in relation to application UTT/15/2460/OP as reflected in the Council's refusal notice. A bin collection point is now shown for the bottom (front) of the site where this was not indicated for the previously refused scheme and the provision of this requirement now overcomes the second concern expressed by Members for UTT/15/2460/OP as also reflected in the Council's refusal notice.
- 10.5 The scheme layout would not give rise to any material overlooking of adjacent properties given the orientation of the dwellings and because of existing vegetated boundaries, albeit that the adjacent dwelling to the immediate west (Chadam House) is set at considerably lower ground level than the site. There would also be no loss of privacy between the dwellings within the site development. In the circumstances, the revised scheme as presented would comply with ULP Policy GEN2 in all respects.

**B Whether access arrangements would be satisfactory (ULP Policy GEN1)**

- 10.6 Vehicular access for the proposed development would be via a 3.7m width private access drive extending along the eastern boundary of the site from Bury Water Lane with the first 8 metres of the access road from the back edge of the carriageway being at 5.5m wide. The proposed site layout drawing shows that there would be the ability for two cars to pass each other for the width of the access drive where additionally the access would extend to 4.8m width for the middle section of the private drive in front of the indicated central turning area.

- 10.7 ECC Highways have been consulted on the current application as they were on the previous two applications for this site. ECC Highways have not raised any highway objections to the proposed development where they did not raise any objections to applications UTT/14/3265/OP and UTT/15/2460/OP. ECC Highways have conditioned that the front section of the site shall be to a width of 5.5m for the first 6m from the back edge of the carriageway to allow for safe access/egress onto Bury Water Lane. The proposed access would therefore comply with this requirement.
- 10.8 Access has been raised as an issue / constraint in local representations received against the current application where this issue was similarly raised against UTT/15/2460/OP in relation to both the access point onto Bury Water Lane itself and also the resulting intensification of traffic use of Bury Water Lane through the development and conflict with standing buses along the north side of the lane waiting to collect pupils from Joyce Frankland Academy. Whilst the Ward Councillor reason for the current application to be called into committee is on grounds of “poor access”, ECC Highways have not been able to sustain a highways objection to the proposed development, whilst it should be noted that Access did not in itself form a specific reason for refusal under UTT/15/2460/FUL. As such, it is considered that there are no highway grounds under which the Council can reasonably refuse the application under ULP Policy GEN1.
- 10.9 Whilst the submission by the Parish Council regarding the suitability of the existing access to carry the new access road and the retention of the adjacent public footpath are noted, any contention of third party land ownership rights fall outside the scope of a planning application where this was also raised as an issue for UTT/15/2460/FUL. However, ECC Highways are satisfied by an assessment of the submitted SLR report (as it was previously) that a suitable width private drive can be constructed at the site whilst leaving sufficient room for the public footpath to be retained and strengthened where necessary without hindering its continued use by the public.
- 10.10 Parking for each dwelling would comply with (and exceed in the case of the dwellings for Plot 1 (three bedroomed unit) and Plot 5) Uttlesford District Council minimum parking standards for 3 bed and 4 bed units respectively, whilst visitor parking (0.25 spaces per dwelling) would also comply with the standards (two spaces provided). All hardstanding parking spaces would be 5.5m x 2.9m in size, whilst the garage parking shown for Plot 5 would be 7m x 3m. As such, parking bay sizes would also meet ECC minimum parking by sizes. No objections are therefore raised under ULP Policy GEN8.

### **C Housing mix (ULP Policy H10)**

- 10.11 The proposed development would consist of 4 no. 4 bed dwellings (Plots 2, 3, 4 and 5) and 1 no. 3 bed dwelling (Plot 1). Whilst this is not a preferred housing mix for the site, it is considered nonetheless that the mix is acceptable for this site location where the applicant's agent has changed the dwelling for Plot 1 from a 4 bed to a 3 bed unit at the Council's request. The agent has stated that the scheme would not be commercially viable were a second three bedroomed unit to be introduced at the site given the costs involved in developing this sloping site. In the circumstances, no policy objections are raised under ULP Policy H10.

### **D Whether the proposal would be harmful to protected species (ULP Policy GEN7).**

- 10.12 ECC Ecology have commented that the site has a low habitat value for protected species given its residential nature and that the proposed development is unlikely to have a detrimental impact upon protected species based upon the ecology information submitted with the application. As such, no objections are raised under ULP Policy GEN7.

## 11. CONCLUSION

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

- A The development would by its location represent a presumption in favour of sustainable development and would not be harmful to the surrounding countryside given its close proximity to adjacent properties extending along Bury Water Lane. The development would make more efficient use of the land, whilst the site is not prone to flooding. The reduced number of dwellings now proposed for the site through the revised scheme is considered acceptable in terms of site layout and private garden space and now overcomes the main refusal ground under UTT/15/2460/FUL. A bin collection area is now shown to be provided.
- B Access and parking arrangements would be acceptable where parking provision shown for each dwelling represents a parking improvement and would be compliant with parking standards.
- C The housing mix would be acceptable for this location.
- D The development would not be harmful to protected species.

## RECOMMENDATION – APPROVAL WITH CONDITIONS

### Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 (as amended).

2. Before development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-
  - a) proposed finished levels [earthworks to be carried out]
  - b) means of enclosure
  - c) car parking layout
  - d) vehicle and pedestrian access and circulation areas
  - e) hard surfacing, other hard landscape features and materials
  - f) existing trees, hedges or other soft features to be retained
  - g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
  - h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
  - i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
  - j) location of service runs
  - k) management and maintenance details

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with ULP Policies GEN2 and ENV3 of the Uttlesford Local Plan (adopted 2005).

Justification for pre-commencement condition: Landscaping is the first requirement of a site development to make it acceptable to mitigate against its visual impact.

3. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with ULP Policies GEN2 and ENV3 of the Uttlesford Local Plan (adopted 2005).

4. Before development commences, samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Justification for pre-commencement condition: To ensure that the appearance of the development does not prejudice the visual amenities of the area

5. The proposed private drive as shown in principle on SLR Proposed Access Arrangements Drawing No.002 accompanying the SLR Access Appraisal document dated September 2016 shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the carriageway and provided with an appropriate dropped kerb crossing of the footway/verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway in the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

6. The gradient of the proposed vehicular access shall be not steeper than 4% (1 in 25) for the first 6 metres from the highway boundary and not steeper than 8% (1 in 12.5) thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a safe and

controlled manner in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

7. All of the 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 ULP Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the garage[s] hereby approved shall be retained for the parking of domestic vehicles in connection with the use of the property and shall not be converted to another use, including conversion to habitable accommodation, without the prior approval in writing of the local planning authority.

REASON: To ensure that off-road parking is provided and maintained in the interest of traffic safety on the adjoining highway, and to avoid the requirement for further buildings for this purpose in accordance with ULP Policy GEN8 of the Uttlesford Local Plan (adopted 2005).

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped, to maintain minimum garden standards for the amenity of the occupiers of the dwellings and in the interests of the amenity of the occupiers of adjoining dwellings in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

10. An archaeological programme of trial trenching followed by open area excavation comprising the following sequential elements shall take place:

1. No development or preliminary groundworks shall commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

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

3. No development or preliminary groundworks shall 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.

4. The applicant shall submit to the local planning authority a post-excavation assessment (to be submitted within three 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

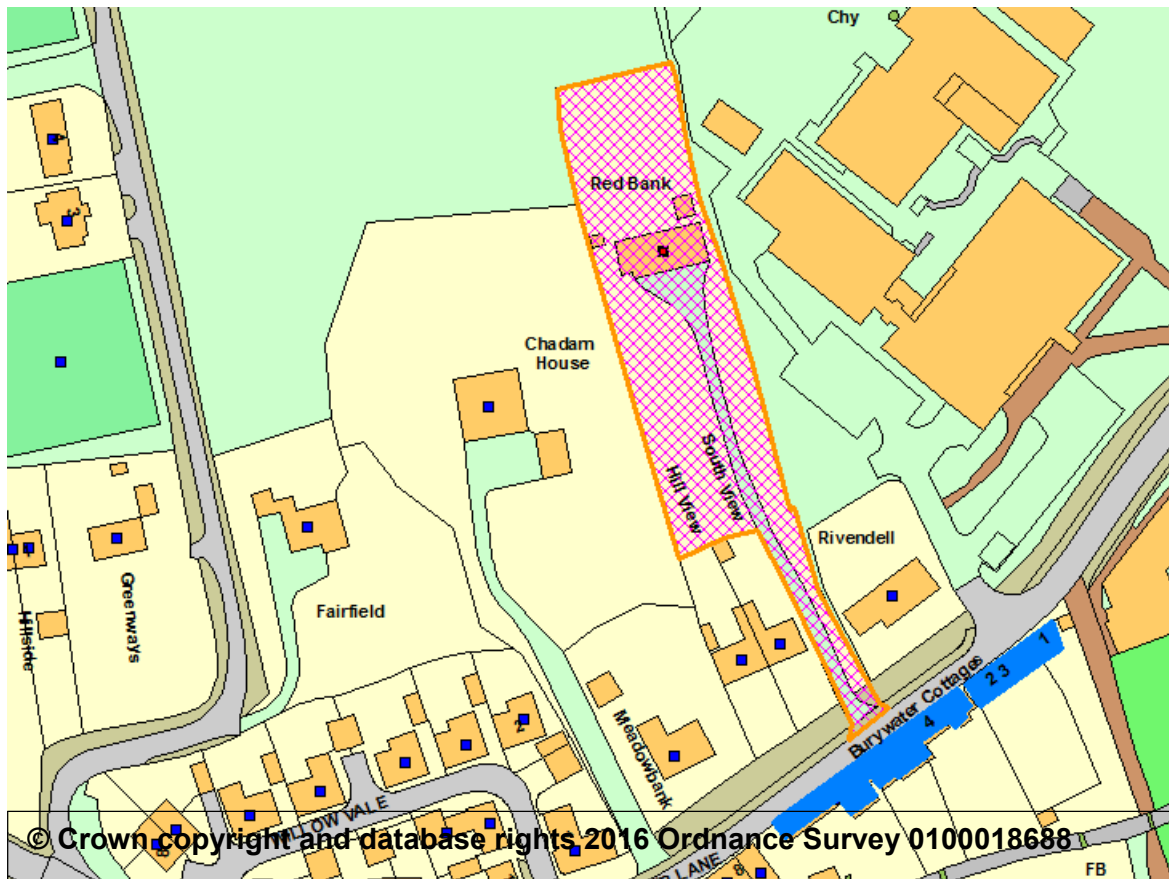
report.

REASON: To enable the proper inspection of the site by qualified persons for the investigation of archaeological remains and their subsequent recording and also for appropriate mitigation measures in accordance with ULP Policy ENV4 of the Uttlesford Local Plan (adopted 2005).



Application Number: UTT/16/2538/FUL

Address: Redbank, Bury Water Lane Newport



Organisation: Uttlesford District Council

Department: Planning

Date: 23 December 2017



**UTT/16/1066/FUL - (ELSENHAM)**

(MAJOR)

**PROPOSAL:** Proposed modernisation of Elsenham Golf and Leisure to include the creation of a chipping green and adventure golf area, driving range refurbishment, extension to car park, and creation of a reservoir for the purposes of sustainable on-site irrigation and landscape / ecological enhancements.

**LOCATION:** Elsenham Golf and Leisure, Hall Road, Henham CM22 6FL

**APPLICANT:** Mr Pharoah

**AGENT:** Mr J Seed

**EXPIRY DATE:** 21<sup>st</sup> December 2016

**CASE OFFICER:** Madeleine Jones

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**1. NOTATION**

1.1 Outside Development Limits. Public Right of Way. Within 6KM of Stansted Airport. Within 250m of Landfill Site. Within 2km of SSSI. Contaminated Land. Tree Preservation Order. Adjacent Historic Park/Garden. Countryside Protection Zone.

**2. DESCRIPTION OF SITE**

2.1 The site is located to the north of Hall Road in Elsenham and is assessed by a single track (with passing points) that is shared with Elsenham Quarry. The application site comprises a golf course with associated clubhouse and golf driving range. There is a car park to the west of the clubhouse providing parking for approximately 100 vehicles. There is a certified caravan club to the north west of the driving range. To the north and north east of the site is Elsenham quarry. Adjacent to the site are important woodlands (Lady Wood and Park Wood which are adjacent to Pledgdon Wood which is a SSSI. There are residential properties to the west of the access road. Stansted Airport is approximately 1.8 km to the south of the site.

**3. PROPOSAL**

3.1 The proposal is for modernisation of Elsenham Golf and Leisure to include:  
Creation of a chipping green.  
An adventure golf course  
Extension to car park  
Creation of reservoir for the purposes of sustainable on – site irrigation The dimensions would be 120m x 40m and a maximum depth of 5.5m  
Landscape/ecological enhancements to include new embankments to the sides of the driving range.

**4. APPLICANT'S CASE**

#### 4.1 The application is supported by:

A Transport Statement, a Tree Survey, a Preliminary Contamination Assessment, Planning , Design and Access Statement, a Phase 2 Contamination Report, A Noise Impact Assessment, a Flood Risk and Surface Water Assessment, an Ecology Report, an Arboricultural Development Report, A Biodiversity Questionnaire and a SUDS checklist, a Phase 1 Desk Top Study and an Operational Noise Assessment.

#### 4.2 Design and Access Statement (summary)

##### Application Background and the Need for Development

One fundamental flaw with the facility that has been identified by the project architect is the poor definition of the driving range and the uninteresting, flat and featureless provisions which currently exists. This is evident within the photographs attached as Appendix 1 which illustrate that there is very little undulation or character present on the driving range.

These deficiencies adversely affect playability and the competitive advantage of the course in the context of other courses within the area, and ultimately the future survival of the Club. The modernisation of the facilities, the design of which has been inspired by other similar developments within the South East, will provide a greatly improved challenge which will in turn secure economic certainty for the Club and ongoing provision for current and future users.

In addition to the lack of desirability of the facility, the owners are continuing to lose trade through closure periods caused directly by the site's poor drainage, which is also illustrated by the enclosed photographs. The original construction of the facility was of poor quality which has resulted in silting-up across the site. As such, it is approaching the end of its lifecycle as the flooding issues have become more frequent and intense over the last five years. The driving range suffers from very poor drainage which makes maintenance and ball collection difficult and costly during periods of inclement weather.

This has not only resulted in a loss of revenue, but has also increased costs associated with maintenance and ball collection.

The resultant financial impact has been both sustained and significant. A recent period of closure resulted in three months of business rates relief being provided to the owner by UDC. A storm insurance claim has also recently been settled in the owner's favour to compensate for (among other things) a loss of income which was paid as a result of the facility being rendered unplayable due to waterlogging. This situation is clearly unsustainable both environmentally and economically and left unaddressed will place the future of the business in serious jeopardy.

During the project team's assessment of the aforementioned problems, an opportunity was identified to improve the site's sustainability credentials by proposing a new irrigation system and reservoir for rainwater harvesting. Water is currently piped-in from outside of the site which is both costly and at times, inconvenient. It is also considered to be a less sustainable method than using water which naturally arrives at the site. A number of ecological / biodiversity enhancements are also provided at the site which will provide a further positive to users of the facility, as well as the wider area.

#### 4.3 Proposed Development

The proposal considers the need to improve the playability and drainage of the driving range outfield area and the sustainability of the site's irrigation system. New range embankments are proposed to enhance the aesthetics and interest of the outfield area, as well as encouraging water to shed towards the centre. The

subtle elevation proposed inside of the embankments will ensure that surface water will drain towards a collection point at the south-western area of the range. Water will then be pumped to the reservoir which is proposed at the eastern end of the range. Although the technical specification of the pumping system is still being finalised, the owner is keen to ensure that a sustainable powering method is utilised and as such, it is anticipated that the system will operate using 12v solar powered batteries. The reservoir will have approximate dimensions of 120m x 40m, and a depth of approximately 5.5m at its deepest point. It is anticipated that the reservoir will provide for a maximum capacity of approximately 18,968m<sup>3</sup>. The facility currently uses between 10- 11m<sup>3</sup> of water for irrigation purposes per day between April and September. Generally, less irrigation is required outside of these months. At present, only tees and greens (outside of the proposal area) are irrigated so the proposal will provide additional irrigation to address this deficiency. Such irrigation is commonplace at other clubs and its introduction at Elsenham is necessary to ensure that it can provide similar or better conditions than its competitors. It is estimated that the use of the new irrigation system would quadruple the current level of water consumption so it is therefore considered that the reservoir will provide an adequate and sustainable solution. At present, water is pumped in from the site landlord's reservoir which is situated approximately one mile away. However, this source is very intermittent due to poor pumping and electrical installation which often results in the Club needing to draw water from the mains supply.

The creation of these improvements will necessitate the repositioning of the 1st hole. New tees are proposed to be located to the south of the existing clubhouse, and a new green is proposed to the south of the eastern end of the driving range. The 2nd hole would also be moved to play south to north along the back of the new driving range area, with two new tees proposed to the east of the 1st green. Users of these holes are protected from errant shots leaving the driving range by the embankments proposed on the south and eastern sides. Similar protection is provided to users of the informal footpath which is located to the immediate north of the driving range.

A new chipping green is proposed to enable the Elsenham facility to be able to compete with others sites which include these popular facilities. An adventure golf area is also proposed which is anticipated to appeal to young players and their families. Such facilities are growing in popularity within the country and it is considered that this aspect of the proposal will be of particular benefit within the context of these demographics and of the increasing population within Elsenham. Additionally, a small car park extension is proposed adjacent to the existing car park.

The report also includes details in relation to the use of imported soil and method of construction, hours of operation and dust and noise, access, transportation and traffic generation, flood risk and surface water drainage, ecology and biodiversity, archaeology, landscape and visual impact.

#### 4.4 Summary and Conclusions

This Statement has been prepared to support a planning application for the proposed modernisation of an existing golf course and driving range at Elsenham Golf and Leisure, Hall Road, Elsenham.

In its current condition the facility is suffering financially and the owners need to make changes in order to increase its attractiveness and competitive advantage to survive in the current market. The proposed modernisation is driven by the

principles of consumer demand and inclusive participation and will revive the business to ensure that it can once again provide a valuable asset to the local community. To achieve this, updating the existing unattractive facility to bring it up to a modern standard is essential.

From the outset, the proposal has been informed by experts from wide ranging disciplines including business and environmental consultants, architects and Professional golfers. Utilising such expertise has enabled the project team to prepare a proposal which not only provides a sympathetic and well-considered modernised sports facility, but also a business model which will enable Elsenham Golf and Leisure to halt its current decline and to benefit from economic growth which will protect existing jobs and create further positions in the future. The project will utilise sustainable construction methods which will have minimal impact on the neighbouring community. Great care has been taken to ensure that such impacts have been fully considered, and the best practice recommendations contained within the various submission documents will be implemented by the contractor.

Upon completion, the proposal will deliver a number of substantial economic, social and environmental benefits to the local area. However, these benefits will be lost should planning permission be refused, and the condition and quality of the site will continue to decline, as will the business. It is likely that this will result in the loss of jobs, a community asset and the need for the owner to sell the site or to consider alternative uses.

The initiative has the support the local community and the Parish Council and further liaison with all parties will continue post-construction to ensure that the facility is effective in maximising its potential to deliver a range of benefits to the local community.

The proposal benefits from policy support at all levels. Significant weight should be placed upon economic growth in the rural economy, the enhancements of existing sports facilities (and the guarding against their loss) and improvements to landscape biodiversity quality.

It is therefore considered that the proposal's benefits and associated material considerations weigh heavily in its favour and planning permission should be granted.

## **5. RELEVANT SITE HISTORY**

- 5.1 SWR/0015/58 – Extension of permission for extraction of sand and gravel approved with conditions
- 5.2 UTT/0644/94/FUL - Retention of mobile home for security purposes. Approved with Conditions
- 5.3 SWR/0450/71 – Proposed filling of 10 acres approx. with brick, rubbish, topsoil and factory maintenance rubbish. Approved with conditions.
- 5.4 UTT/0461/77 - Withdrawn
- 5.5 UTT/0948/12/FUL - External deck to first floor side elevation. Approved with conditions.

- 5.6 SWR/0007/58 – Development of land for sand excavations. Approved with conditions
- 5.7 UTT/1801/08/FUL - Construction of a new health facility, swimming pool, squash courts, badminton courts, reception, restaurant, 40 parking spaces and ancillary works. Refused
- 5.8 UTT/15/0819/FUL - Proposed demolition of single storey rear addition and erection of single storey extension plus new conservatory, including insertion of three new roof windows in the existing roof. Approved with Conditions
- 5.9 UTT/0007/99/FUL - Extension to existing storage building, enclosure of open bays and erection of terrace. Approved with Conditions
- 5.10 UTT/0182/95/FUL – Change of use of agricultural land after sand extraction and landfill to nine hole golf course and three academy (practice holes) Conditionally approved.
- 5.11 UTT/1251/09/FUL - Siting of portakabin for period of 18 months. Approved with Conditions
- 5.12 UTT/0728/11/FUL - Temporary siting of portacabin for two years. Approved with conditions.
- 5.13 UTT/0814/03/FUL - Construction of new health facility, swimming pool, reception, cafe extension, 5 new bays, 40 car parking space . Approved with conditions
- 5.14 UTT/0041/78 – Reinstatement of existing sand and gravel pits to agricultural land. approved with conditions
- 5.15 UTT/1021/09/FUL - Construction of a new health facility, swimming pool, squash courts, sports hall, reception, restaurant, 40 parking spaces and ancillary works. Approved with Conditions
- 5.16 UTT/1581/11/FUL - Variation of condition C.90c (The proposed portacabin structure hereby permitted shall remain assembled and be used in accordance with the boundaries of condition 4 above for a period of no more than 18 months from the date of this permission. After the expiry of this period the portacabin structure shall be completely dismantled and removed from site in its entirety and the ground returned to its previous condition, unless otherwise agreed in writing by the local planning authority) on planning application UTT/1251/09/FUL
- 5.17 UTT/1774/90 – Construction of golf driving range with associated parking facilities and alteration to existing access. Approved with conditions.
- 5.18 UTT/13/2539/FUL - Removal of existing portacabin and link corridor and erection of new single storey extension, to create larger gymnasium suite. Approved with Conditions
- 5.19 UTT/1400/87 – Change of use of agricultural land (restored after sand extraction and landfilling) to a 9 hole golf course. Conditionally approved.
- 5.20 UTT/14/2973/FUL - Construction of new external bar and 2 no. external toilets,

located beneath the existing first floor balcony. Approved with Conditions

- 5.21 UTT/0187/94/FUL – Temporary stationing of mobile home, erection of machinery store. Approved with conditions
- 5.22 UTT/1218/96/FUL- Erection of two storey extension to clubhouse including employees flat.
- 5.23 UTT/0984/91 – Change of use of farmland to 18 hole golf course. Withdrawn

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework

### **6.2 Uttlesford Local Plan (2005)**

- S7 - The Countryside
- S8 – The Countryside Protection Zone
- GEN2 – Design
- Policy GEN1 – Access
- Policy GEN8 – Vehicle Parking Standards
- Policy GEN7 – Nature Conservation
- Policy ENV3 – Open Spaces and Trees
- Policy GEN6 - Infrastructure Provision to Support Development
- Policy ENV14 – Contaminated Land
- Policy LC4 – Provision of outdoor sport and recreational facilities beyond settlement limits
- Policy GEN3 – Flood Protection

## **7. PARISH COUNCIL COMMENTS**

- 7.1 Support this application. They consider this development good for the community. However due to the development being in close proximity to Stansted Airport, the Parish Council have concerns with regards to the reservoir. This large body of water has the potential to attract and support waterfowl and other birds which may have a detrimental impact on the airport, the Parish Council would like clarification on the developer's strategy on how this is to be prevented.

## **8. CONSULTATIONS**

### **Environmental Health**

- 8.1 Several responses have been received since the application was submitted the



following is a summary of those responses.

## Noise

The noise impact assessment submitted with the application does not include an assessment of noise arising from the operational phase of the proposal. The adventure golf area and chipping green will be a new source of noise which could impact on the amenity of residential properties on Henham Road to the west of the site, and an increase in user traffic on the access road may impact on properties at Elsenham Hall, notably Woodlands Cottage. A report on the operational noise levels to supplement an earlier report and the report has included modelling of levels based on worst case scenarios of traffic flows and noise from users of the facility, and predicts levels at a maximum of 0.3dB above existing ambient noise in amenity spaces of the nearest noise sensitive receptor. The findings of the report are considered to be acceptable, and taking into account of the existing high ambient noise levels, an increase of the magnitude predicted would be imperceptible in terms of loudness, and unlikely to lead to loss of amenity. A condition relating to noise from the operational phase would not therefore be recommended.

## 8.2 Lighting

No information has been provided on the extent of any new artificial lighting to the extended operational area, and there is potential to cause loss of amenity to nearby residents. The following condition is therefore recommended:  
“Details of any proposed floodlighting or external lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details.”

## 8.3 Contaminated Land

A Preliminary Contamination Assessment and Phase 2 Report has been submitted relating to the Trisail development, which is the proposed donor site for the fill material. This demonstrates the donor material from this site is suitable for the proposed use. No information on contamination has been submitted in respect of the proposed site itself. The site is located on previously filled land and disturbance by earthworks and drainage may cause harm to relevant receptors, including construction workers, end users, and the water and ecological environment. A full site characterisation and risk assessment will be needed to ensure the site and construction methods are suitable, to include an assessment of landfill gas, and provision for screening any imported material other than from the named donor site.

Further information has been submitted to support the application, in the form of a Phase 1 desk top study for the site, prepared by Pam Brown Associates. The report finds that there is a moderate risk to human health and environmental receptors due to the historic use of the site for landfill, and has recommended site investigation and remediation statement if necessary based on the findings. The conditions relating to contamination requested in my previous comments are therefore modified in view of the submitted report and the Environment Agency comments, to the following conditions:

1. Notwithstanding the desk top study submitted with the application, no development including groundworks shall take place until a site investigation

of the extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This investigation must be undertaken by a competent person and be based on the findings of the phase 1 desk study submitted with the application and must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) a conceptual model of the site indicating sources, pathways and receptors
- (iii) an assessment of the potential risks to: human health, property (existing or proposed), service lines and pipes, adjoining land, the water environment and ecological receptors

2. If found to be necessary as a result of part 1, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the council prior to commencement of development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation scheme are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority.

8.5 3. The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 2 months of the completion of measures identified in the approved scheme, a validation report to demonstrate the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Council. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. If a requirement for longer term monitoring is identified by the remediation scheme, a final report on completion of the monitoring demonstrating that all long-term remediation works specified in the scheme have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Council.

8.6 4. In the event that contamination that was not previously identified is found at any time during development, development must be halted on that part of the site affected by the unexpected contamination. The contamination must be reported in writing within 3 days to the Local Planning Authority. An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.

8.7 The assessment, evaluation of remediation and verification shall be carried out in accordance with Essex guidance "Land Affected by Contamination: Technical Guidance for Applicants and Developers 3rd edition", available on

the UDC website.

No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Council, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details

#### 8.8 Construction Phase

In view of the volume of imported material involving 5,800 lorry movements onto the site, and earthworks within the site, there is a high risk of loss of amenity to nearby residents due to noise, dust and vehicular emissions. Notwithstanding the information submitted with the application, a comprehensive construction management scheme should be conditioned, to include mitigation to reduce the impact on the environment in accordance with best practice, prior to any works commencing.

#### **Essex County Council Ecology**

- 8.9 The application is supported by an Ecological Assessment Report (Richard Jennings, October 2015). Its findings are summarised below.
- 8.10 The site is dominated by amenity grassland; a habitat of low ecological value that is well managed. In addition, three small areas of rank grassland are present, along with a number of scattered trees. Large embankments exist in the south and east, which support rank grassland /tall ruderal /scrub mosaics with scattered trees.
- 8.11 In addition, two ponds are present within the site (P1 and P2), whilst three further ponds (P3-P5) are situated within the wider golf course, but outside the area of proposed works. An area of woodland is present off site beyond the northern boundary.
- 8.12 A number of buildings also exist on site, including the site clubhouse, and an area of hardstanding, which is utilised as a car-park.
- 8.13 A great crested newt survey was undertaken on ponds P1-P5 (May to mid-June 2015). Although no GCN were found in P1 or P2 (on site), a medium metapopulation was identified in P3-P5 (off-site). Given that this population exists within 100 metres of the site, and that the site itself presents suitable terrestrial habitat, a translocation exercise is proposed to move the GCN out of the work area to prevent harm.
- 8.14 This exercise will be supported by a mitigation strategy and submitted to Natural England to inform a development license following consent. A GCN mitigation strategy should be conditioned (A list of recommended Conditions has been supplied) The strategy will revolve around the retention of off-site ponds P3–P5 for GCN breeding purposes and the retention of areas of suitable terrestrial habitat around the boundaries of the wider site for foraging and hibernation purposes and to ensure connectivity with suitable off-site aquatic and terrestrial habitat is retained (Section 6.11.2).  
A reptile survey was undertaken in September and October 2015. Grass Snake was recorded at the site during four of the seven survey visits undertaken, with a

maximum count of 3 individuals / 1 adult recorded. All Grass Snake were recorded upon either the eastern or southern embankments. These embankments support suitable reptile habitat mosaics comprising rank grassland /ruderal vegetation, scrub and trees. Given the protection afforded to reptiles, a mitigation strategy (in accordance with details provided in Section 6) will be required as a condition of consent )

- 8.15 Evidence of badgers was found on site, but no setts were seen. Precautionary measures, as set out in Section 6.7.1 should be adhered to in full.
- 8.16 The proposals are not thought to impact bats. The buildings and trees on site show limited potential to support roosting or significant numbers of foraging and commuting bats. The proposed reservoir will increase prey availability and is likely to increase bat presence on site. However, if the proposals change and either building B1 or B6 are scheduled to be directly impacted by the works, the new proposals should be discussed with a suitably qualified bat ecologist.
- 8.17 The report recommends a watching brief for hedgehog during any vegetation clearance as a safeguard against harm. This advice should be followed The report proposes a large number of enhancements which have been cross-referenced with the Landscape Plan (ELSE.03.02-3.6). I welcome the inclusion of wildflower grassland, rank grassland/scattered tree & scrub mosaic, tree planting and new ponds. The ecology report also recommends that bird and insect boxes, two amphibian / reptile hibernacula, as well as a number of log piles /brush piles for invertebrates are included as part of the proposals. These enhancements should be included on the Landscape Plan for completeness.

#### **Sport England**

- 8.17 The proposed development is not considered to fall either within our statutory or non-statutory remit upon which we would wish to comment.

#### **Historic England**

- 8.18 No comment

#### **NATS Safeguarding**

- 8.19 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.

#### **SUDS**

- 8.20 Whilst the site area is 5.68ha, it is suggested in the flood risk assessment that the new impermeable areas created by the development will only be 300sqm. Therefore this application is unlikely to have an effect on drainage in the area and we will not be providing bespoke comments on the site.
- 8.21 We will not be commenting on surface water drainage at this site as not over 1000sqm of impermeable area will be created by the development.

Any bunds put up around the site should still allow any water flows that there may be across the site to flow naturally or stored appropriately.

## Environment Agency

- 8.22 Response 6<sup>th</sup> May 2016: We have inspected the application, as submitted, and are raising a holding objection pending further assessment of the risk to the water environment.
- 8.22 Response 24<sup>th</sup> October 2016: we are able to remove our holding objection subject to conditions as set out below. Without these conditions the proposed development on this site poses an unacceptable risk to the environment.  
We support the conditions recommend by the Environmental Health/local authority Contaminated Land Officer and have a variation of these and the additional conditions as follows.
- 8.23 Condition1: *(or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:*
- 1) A preliminary risk assessment which has identified:
    - all previous uses,
    - potential contaminants associated with those uses,
    - a conceptual model of the site indicating sources, pathways and receptors,
    - potentially unacceptable risks arising from contamination at the site.
  - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site
  - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority.
- The scheme shall be implemented as approved
- Reason 1: To protect groundwater
- The desk study indicates the presence of polluting substances from the previous uses.
- A detailed hydrogeological risk assessment is also required using site-specific groundwater level and quality data to assess the risks to controlled waters, proposed waste inputs and potential leachate expulsion effects to groundwater. The proposed development is located on a historical landfill and the groundwater may already be impacted. The proposed activities should not cause further deterioration to the water environment during the construction and post construction phases.
- This condition has been recommended as we are satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing. E.g. leachate and gas management infrastructure may have to in place prior to the acceptance of any importation and placement of material across the site and excavation of the reservoir.

- 8.24 Condition 2:  
No occupation/commercial usage shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.  
Reason: To protect groundwater. The verification report should be undertaken in accordance with in our guidance Verification of Remediation of Land Contamination <http://publications.environment-agency.gov.uk/pdf/SCHO0210BRXF-e-e.pdf>
- 8.25 Condition 3:  
No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.  
Reason: To protect groundwater from pollution and/or further deterioration  
The desk study indicates the presence of polluting substances from the previous uses. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).
- 8.26 Condition 4:  
If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.  
  
Reasons: To protect groundwater No site investigation fully characterises a site. Not all of the site area was accessible during the investigations to date.
- 8.27 Condition 5:  
No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The

development shall be carried out in accordance with the approved details.

Reason: To protect groundwater

Infiltration through contaminated land has the potential to impact on groundwater quality. Infiltrations SUDs/ soakaways through contaminated soils are unacceptable as contaminants can remobilise and cause groundwater pollution

#### 8.28 Environment Permitting Regulations 2010

The proposed development will require a bespoke permit under the Environmental Permitting Regulations 2010. We do not currently have enough information to know if the proposed development can meet our requirements to prevent, minimise and/or control pollution.

The proposed development includes a “cut and fill” activity with a total imported volume of 58,000m<sup>3</sup> of soil proposed to be placed on a historical landfill located on a Secondary Aquifer which is likely to be in hydraulic continuity with the Stansted Brook.

To reduce the risks to people and the environment and obtain a permit,

1. the suitability of the location with respect to the protection of groundwater and surface water will need to be considered; and
2. the design may need to include abatement technology to reduce the impact of the development beyond normal standards. In particular, mitigation is likely to be required to control the impacts to groundwater.

A detailed hydrogeological risk assessment is also required using site-specific groundwater level and quality data to assess the risks to controlled waters, proposed waste inputs and potential leachate expulsion effects to groundwater. The proposed development is located on a historical landfills and the groundwater may already be impacted. The proposed activities should not cause further deterioration to the water environment during the construction and post construction phases.

We will not be able to issue a permit until this information has been provided/ and demonstrated. We therefore advise joint discussions with the applicant, planning authority and ourselves, as well as parallel tracking of the planning and permit applications. Parallel tracking planning and environmental permit applications offers the best option for ensuring that all issues can be identified and resolved, where possible, at the earliest possible stages. This will avoid the potential need for amendments to the planning application post-permission. Further guidance can be found on our website.

#### 8.29 Proposed Reservoir

Anyone planning to build a new reservoir needs to contact our Reservoir Safety team to give notice of their intention. They can email their intention to Reservoirs@environment-agency.gov.uk.

Further information is available here: <https://www.gov.uk/reservoirs-a-guide-for-owners-and-operators>.

#### 8.30 The proposed development is located on a historical landfill and the groundwater may already be impacted. The proposed activities should not cause further deterioration to the water environment during the construction and post construction phases.

### **Essex County Council - Highways**

#### 8.31 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following:

- 8.32 1. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. wheel and underbody washing facilities
- Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.
- 8.33 2. No development shall take place until a comprehensive condition survey of Hall Road from the access to the donor site as referenced in Appendix 1 of the Transport Statement to the application site access opposite has been completed to protect the newly constructed roundabout. Details of such survey having first been submitted to and approved by the Local Planning Authority. The results of such 'before' survey and any required repair work necessary to facilitate the passage of construction vehicles shall be submitted to and approved in writing by the local planning authority with any repair work being carried out prior to the construction period.
- Reason: In the interests of highway safety.
- 8.34 3. Following completion of the construction of the dwellings, a further comprehensive survey of Hall Road from the access to the donor site as referenced in Appendix 1 of the Transport Statement to the application site access opposite shall be completed in accordance with the details approved in 2 above. The results of the survey and any identified damage/repair work shall be submitted to and approved in writing by the Local Planning Authority. Any repair works identified in the 'after' survey shall be carried out within 3 months of the completion of the construction of the dwellings to a programme to be agreed with the Local Planning Authority.
- Reason: In the interests of highway safety.

The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

### **Informatives**

- (i) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- (ii) The public's rights and ease of passage over public footpath 39, Henham and bridleway 5, Elsenham shall be maintained free and unobstructed at all times.

### **Natural England**

- 8.35 Statutory nature conservation sites – no objection  
Natural England has assessed this application using the Impact Risk Zones data



(IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Elsenham Woods SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected species: We have not assessed this application and associated documents for impacts on protected species.

## **BAA**

- 8.36 Several responses have been received and previous objections have been withdrawn (please see main file for full details)
- 8.37 The proposed development is located approximately 1.8km NNE of the end of the approaches to Runway 23 and just 800m from the extended centreline. The proposed development has been re-assessed from an aerodrome safeguarding aspect and we subsequently requested additional information is submitted and recommend that conditions and an informative are attached to any approval granted.

### **Netting of Open Water**

Further to our previous response submitted 24 June 2016, the amended details incorporated within the Revised Proposed Masterplan and Proposed Sections detail that the proposed water bodies are to be fully netted. Due to the close location of the site to Stansted Airport, it is important to ensure full maintenance is upheld on the proposed netting over all watercourses to prevent deterioration and the potential for open water, which would increase the likelihood of bird activity. The Proposed Masterplan is acceptable based on an appropriate conditions being imposed in respect of the netting of open water and submission of a bird hazard management plan (BHMP) and an informative relating to cranes and tall construction equipment

- 8.38 Given the nature of the proposed development it is possible that a crane or tall construction equipment may be required during construction. Please note that any cranes/ tall equipment required during construction may present a hazard to aircraft and will need to be assessed separately to ensure that aircraft safety is protected. The British Standard Institute Code of Practice for the safe use of cranes (BS 7121, Part 1) places a duty on crane operators to consult the aerodrome before intending to erect a crane in close proximity to an aerodrome and we therefore request that the following informative is attached to any approval granted:

Cranes, whilst they are temporary, can be a hazard to air safety. The developer or crane operator must therefore contact Stansted Airport at least 21 days in advance of intending to erect a crane or other tall construction equipment on the site. This is to determine whether a Tall Equipment Permit would need to be obtained and whether any operating restrictions would need to be agreed in advance of issuing the Permit.

Reason: To ensure that Stansted Airport's Obstacle Limitation Surfaces are protected to avoid endangering the safe operation of aircraft.

- 8.39 With regard to the proposed solar powered scheme for the drainage and irrigation

system, no information has been supplied as part of this proposal. Furthermore, the use of photovoltaic panels has not been identified in the proposed development description. Solar photovoltaic (PV) installations can have an impact on aerodrome safeguarding and therefore should either be removed from this current proposal or additional detail supplied to the Aerodrome Safeguarding Authority for Stansted Airport for assessment prior to any approval being granted.

- 8.40 It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Stansted Airport Limited (STAL), or not attach conditions which STAL has advised, it shall notify STAL, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

### **ECC Minerals and Waste**

- 8.41 The application originally included the proposed importation of 58,000m<sup>3</sup> of soil. The application also originally stated that 6,949m<sup>3</sup> of material would be generated using cut and fill. Information has been provided to the WPA which states that cut and fill does not now form part of the proposals. However, it is not clear how the total amount of imported material would be affected by the removal of the 6,949m<sup>3</sup> of site-generated material.
- 8.42 The WPA's main comments relate to the appropriateness of UDC determining the application as an engineering project. The Essex Replacement Waste Local plan explains this point:  
*Land raising activities can be district or county matters. The test of whether such a development should be determined by a district or county authority depends on whether the proposal constitutes a waste disposal activity or is a genuine engineering operation (operational development)*  
It is considered that the application should be determined by the Waste Planning Authority to allow full and proper consideration of the details as a waste disposal operation.  
The importation of 58,000m<sup>3</sup> of soil is considered to be a significant amount, the scale of which would lend itself to a County Matter. The Transport Statement cites a conversion factor of 1.5t/m<sup>3</sup> based on a conservative estimate of the WRAP list of weight category 17.05.04 (inert soil and stones) material, which has a conversion factor of 1.25t/m<sup>3</sup>. This would amount to 87,000 tonnes using the applicant's proposed conversion factor.
- 8.43 The letter from DCLG dated 20<sup>th</sup> January 2009, cited by the applicant, states that developments importing over 100,000 tonnes of waste are unlikely to constitute recover operations, but are more likely to be waste disposal operations. It also states that:  
*Clearly for some developments there maybe a degree of judgement to be made regarding the detail and scale of the proposed development, and whether the predominant purpose of the development involves either waste disposal (for its own sake) or engineering*  
Uttlesford District Council should be satisfied that the proposal is an engineering operation.  
The Essex and Southend Waste Local Plan, adopted 2001, provided the policy framework for this type of development. Policy W9B is of particular relevance, including a requirement for demonstration that the proposed amount of material is the minimum amount necessary to achieve a suitable landform:

*Landfill, or land raising, for its own sake, without being necessary for restoration, will not be permitted. Landfill outside the boundaries of the preferred sites will not be permitted unless it can be demonstrated that satisfactory restoration cannot otherwise be achieved. Landfill will not be permitted when at a scale beyond that which is essential for restoration of the site.*

- 8.44 The Essex Replacement Waste Local Plan has been considered at Examination in Public/ Although not yet formally adopted, it now carries significant weight in the determination of planning applications. Policy 13 (Landraising) is of relevance:  
Policy 13. Landraising:  
*Proposals for landraising with waste will only be permitted where it is demonstrated that there are no feasible or practicable alternative means to achieve the proposed development.*

*Proposals will also demonstrate that:*

- a) there is a proven significant benefit that outweighs any harm caused by the proposal*
- b) the amount of waste materials used to raise the level of the land is the minimum amount of material necessary and is essential for the restoration of the site and*
- c) in the case of land remediation and other projects, will provide a significant improvement to damaged or degraded land and/or provide a greater environmental or agricultural value than the previous land use.*

*Proposals for landraising that are considered to constitute a waste disposal activity, for its own sake, will not be permitted.*

- 8.45 Additionally, there is concern over the suitability of the site for waste importation ( a non- preferred site according to the Waste Local Plan), the diversion of restoration material from approved landfill sites, including Elsenham, and the potential lack of compliance with the waste hierarchy and sustainable development principles if the imported material is not recycled as far as possible.  
Although the application cites Tri Sail Water Circle, Elsenham Meadows, Elsenham as the donor site for the material, it would be not not be usual for any permission granted to be restricted to one particular donor site, rather that the type of waste material is suitable regardless of its source.  
In conclusion, Uttlesford District Council is urged to allow WPA the opportunity to determine the application. However, without prejudice to any decision reached, in the event that UDC is satisfied that the development constitutes an engineering project and chooses to continue with determination of the application, it is suggested that conditions are imposed relating to the following matters, in the event of an approval:

- 8.46 CESS2 – Cessation of Development  
CESSS7 – Revised Restoration in Event of Suspension of Operations  
HOURS3 – Hours of Operation (Waste Specific)  
PROD1 – Export/Throughput Restriction  
PROD2 – Records of Output/Throughput  
PROD3 – Vehicle Records of Output  
PROD4 – Monitoring Waste Data  
HIGH2 - Vehicular Access  
HIGH3 - Surfacing/ Maintenance of Access Road  
HIGH4 – Prevention of Mud and Debris on Highway

HIGH5 – Vehicle Movement Limits  
 HIGH6 – Lorry Sheeting  
 NSE1 – Noise Limits  
 NSE2 - Temporary Operations  
 NSE3 – Monitoring Noise Levels  
 NSE5 – White Noise Alarms  
 NSE6 – Silencing of Plant and Machinery  
 DUST1 – Dust Suppression Scheme  
 LS2 – Soil Movement Scheme  
 LS3 – Machine Movement Scheme  
 LS4 – Stripping of Top and Subsoil  
 LS6 – Retention of Soils  
 LS8 – soil Handled in a Dry and Friable Condition  
 RES4 – Final Landform  
 WAST1 – Waste Type Restriction  
 WAST6 – No Crushing of Stone or Hardcore

## **NATS**

- 8.47 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.  
 The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

## **9. REPRESENTATIONS**

- 9.1 This application has been advertised and 70 neighbouring properties notified. Expiry date 28<sup>th</sup> October 2016. One representation has been received.
- 9.2 Brett Group hold ownership interest in the immediate vicinity of the proposed development, namely the Elsenham Quarry and inert material/soils landfill and own a portion of the land over which the access to the Elsenhams Golf and Leisure Centre is taken. Rights over this track are provided to the Golf courses landlord and by virtue of this the Elsenham Golf and Leisure Centre.
- 9.3 The import of this volume of material is of a scale and nature of a landfilling operation. We consider and fully agree that this application should be referred to Essex County Council, the Waste Planning Authority for determination.
- 9.4 We would also draw your attention to the Essex Replacement Waste Local Plan which has been subject to Examination in Public in late October 2016. Whilst we note that this has not formally been adopted, it shapes the future vision for Essex Waste policy and should carry significant weight in policy terms. In particular Policy 13 of the Replacement Waste Local Plan which states:  
 Policy 13. Landraising:  
 Proposals for landraising with waste will only be permitted where it is demonstrated that there are no feasible or practicable alternative means to achieve the proposed development.

Proposals will also demonstrate that:

- d) there is a proven significant benefit that outweighs any harm caused by the

- proposal
- e) the amount of waste materials used to raise the level of the land is the minimum amount of material necessary and is essential for the restoration of the site and
  - f) in the case of land remediation and other projects, will provide a significant improvement to damaged or degraded land and/or provide a greater environmental or agricultural value than the previous land use.

Proposals for landraising that are considered to constitute a waste disposal activity, for its own sake, will not be permitted.

- 9.5 The application site is not on the preferred allocations list within the Essex Waste Plan and indeed the scale of material import does have the potential to take available material away from, and thus slow infilling operations within approved timeframes at, current consented landfill/restoration operations such as Brett Site in Elsenham and those preferred sites within the emerging plan which have demonstrated their suitability for such material importation. With this in mind we conclude that this application is contrary to Essex Waste Plan (March 2016) Policy 13.
- 9.6 There is an existing traffic movement limit on the access road to the Elsenham landfill site, and thus the access proposed by Elsenham Golf and Leisure in this application, by virtue of planning application ESS/38/14/UTT. This approval limits vehicle movements in regard to infilling operations to 400 LGV movements (200 in and 200 out) per day Mon- Fri and 200 (100 in and 100 out) on a Saturday with a total 80,000 LGV movements per year maximum cap. The golf course proposal would create an additional 90 LGV movements per day on the existing access road. Should application UTT/16/1066/FUL be approved, vehicle movements to Elsenham Quarry/landfill cannot (through the planning system) and must not be affected by proposed golf course activity. Further we would seek reassurance through condition that the applicant's works would be time restricted to the 8 month maximum period as set out in their application.
- 9.7 Need: The current proposal would see 58,000m<sup>3</sup> of material brought onto site over a 7-8 month period. The applicant has set out the rationale for this on landscaping grounds, however, the import of this volume of material is on the scale of a landfilling operation and thus it is considered should benefit from consideration by the County Waste Authority. soils imported into the golf course could be used to meet the restoration obligations at the existing Elsenham Quarry and approval of the golf course development could impact on the completion of restoration of the quarry

## 10. APPRAISAL

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

- A Whether the principle of the development is acceptable within the Countryside Protection Zone. (NPPF and ULP policies S8,S7 and LC4)
- B Design, scale, impact on neighbours amenity (ULP Policy GEN2)
- C Contamination ( ULP policy (GEN2, ENV12, and ENV 14)
- D Biodiversity (ULP policy GEN7)
- E Highway issues and Parking (ULP Polices GEN8 and GEN1)
- F Flood Risk ( ULP Policy GEN3)

**A            Whether the principle of the development is acceptable within the Countryside Protection Zone. (NPPF and ULP policies S8, S7 and LC4)**

10.1        The site is located outside of any development limits as defined within the Local Plan, but within the Countryside Protection Zone (CPZ) surrounding Stansted Airport. Local Plan Policy S8 relates to the CPZ and specifies that planning permission will only be granted for development that is required to take place there or is appropriate to a rural area and that there will be strict control on new development. In addition, if new buildings or uses would promote coalescence between the airport and existing development in the countryside or it would adversely affect the open characteristics of the zone, development will not be permitted. The existing use of the site is in connection with the golf course and what is being proposed would overcome existing flooding issues, which if left unaddressed will place the future of the business in serious jeopardy. The owners of the site have stated that the changes are necessary to increase the attractiveness and competitive advantage to survive in the current market. Water is also currently piped in from outside the site which is costly and less sustainable than using water which naturally arrives on site. The proposed embankments would enhance the interest of the outfield area and would also encourage water to drain towards a collection point and the water would then be pumped to the reservoir which is proposed at the eastern end of the range.

The new chipping green and adventure golf facilities would enable the golf course business to be more competitive with other sites and would be a good community facility. The application is supported by the Parish Council.

The NPPF states that planning should proactively drive and support sustainable economic development to deliver the business and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the business and other development needs of an area and respond positively to wider opportunities for growth. Paragraph 28 further states that plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. Policy LC4 states that the following developments will be permitted beyond development limits a) outdoor sports and recreational facilities, including associated buildings such as changing rooms and club houses and b) suitable recreational after use of mineral workings.

The application has been the subject of the pre- application service in which due to the amount of waste being imported on a significant scale the applicant was advised that Essex County Council Minerals and Waste should determine any application. The WPA's main comments relate to the appropriateness of UDC determining the application as an engineering project. The Essex Replacement Waste Local plan explains this point:

Land raising activities can be district or county matters. The test of whether such a development should be determined by a district or county authority depends on whether the proposal constitutes a waste disposal activity (Change of use) or is a genuine engineering operation (operational development) This is a grey area in planning terms as a judgement will have to be made on whether the predominant purpose of the development (or substantial element) involves either waste disposal (for its own sake) or engineering. It is considered that this proposal is an operational development and therefore can be determined by the District Council. The applicant has disputed that the operation is a waste disposal activity and has submitted a letter from DCLG dated 20<sup>th</sup> January 2009, which states that developments importing over 100,000 tonnes of waste are unlikely to constitute recover operations, but are more likely to be waste disposal operations. This application would involve the importation of 58,000m<sup>3</sup> of soil. The Transport Statement cites a conversion factor of 1.5t/m<sup>3</sup> based on a conservative estimate of

the WRAP list of weight category 17.05.04 (inert soil and stones) material, which has a conversion factor of 1.25t/m<sup>3</sup>. This would amount to 87,000 tonnes using the applicant's proposed conversion factor. The Lord Taylor review of Planning Practice Guidance (December 2012) highlighted that the Government intends to retain the letter published by The DCLG entitled "Large –scale Landscaping Development Using Waste" this retention of the letter reinforces the fact that the government feels that developments of the scale of recent examples (generally in excess of 100,000 tonnes) would not have been undertaken if the material used to construct the landscaping was not waste. Therefore, it is considered they are unlikely to constitute recovery operations.

Any application needs to demonstrate that amount of material imported and deposited would be the minimum necessary to bring about any alleged improvement, not being at a scale beyond that necessary for restoration. The creation of mounds and embankments is normally classified as an engineering operation. The proposed reservoir is to be built up ( No mineral is to be exported from the site to create the reservoir)and no waste will be imported to create the golf course revisions.

The Essex Replacement Waste Local Plan has been considered at Examination in Public/ Although not yet formally adopted, it now carries significant weight in the determination of planning applications. Policy 13 (Landraising) is of relevance:

Policy 13. Landraising:

*Proposals for landraising with waste will only be permitted where it is demonstrated that there are no feasible or practicable alternative means to achieve the proposed development.*

*Proposals will also demonstrate that:*

- a) there is a proven significant benefit that outweighs any harm caused by the proposal*
- b) the amount of waste materials used to raise the level of the land is the minimum amount of material necessary and is essential for the restoration of the site and*
- c) in the case of land remediation and other projects, will provide a significant improvement to damaged or degraded land and/or provide a greater environmental or agricultural value than the previous land use.*

*Proposals for landraising that are considered to constitute a waste disposal activity, for its own sake, will not be permitted.*

In response to the above the applicant has stated that the proposal will provide essential upgrades to an existing facility to the benefit of existing and future residents of Elsenham and surrounding areas, as acknowledged by the Parish Council in their consultation response. Furthermore, it will provide a much-needed improvement to the conditions upon which staff work and the number of closures which the club currently experience due to the site's poor drainage and overall inadequate provision. The proposal will significantly enhance the site's sustainability credentials and will also provide a net gain in biodiversity terms. It is therefore considered that the development meets with local and national objectives with regards to social, environmental and economic sustainability which is positively supported and encouraged through the key objectives of the National Planning Policy Framework and significant weight should be given to these considerations when weighed against any harm which may be perceived.

In response to b) the applicant has stated the volume of material which is to be brought into the site was originally minimised through the proposed 'cut and fill' method which was subsequently deemed unacceptable by the Environment Agency due to the historic use of the site. Although this volume of material was not replaced through further importation during the preparation of the revised plans, the proposal was amended to enable the drainage, re-contouring and pond / reservoir creation through utilising a similar volume of imported material to that

which was originally proposed, a matter which I believe to be to our architect's great credit. There are numerous examples around the Country (including Essex) where such re-contouring, at levels similar (and in many cases greater) than those proposed, has proved extremely successful in creating golfing facilities which are attractive, challenging and well-drained. Every effort has been taken throughout all phases of the design to ensure that the importation of material can be completed as soon as possible to enable the construction programme to be completed and the facility to be 'opened for business'. To this end, the Importation has been minimised to enable the opening to be achieved as soon as possible which will also minimise the disruption of the existing business and associated financial losses.

The applicant has demonstrated that drainage and overall playability of the facility are poor, as are the site's sustainability credentials with respect to irrigation. The landscaping scheme which has been submitted and the recommendations contained within the submitted ecology studies will ensure that in addition to matters of drainage and irrigation enhancement, the site will also benefit from significant biodiversity gain. What is currently a poorly drained and laid-out facility will become one which is dramatically improved over the current (and what will be previous) land use. As such, it is considered that the proposal meets and exceeds the requirements criteria c.

In view of the above It is considered that the principle of the development is acceptable in this location and would comply with the aims of policies S7, S8 and LC4.

## **B Design, scale, impact on neighbours amenity (ULP Policy GEN2)**

- 10.2 The design of the adventure golf and chipping green is quite low key and would include landscaping. The maximum height of the features of the adventure golf would be 5m. The area would be enclosed by rustic wattle and wooden palisade 1.5m - 1.8m high fencing.
- 10.3 The embankments and reservoir are considered to be of an appropriate design and scale for the location. The benefits of the development would outweigh the limited harm of the visual impact of the proposal. The whole site is well screened by perimeter landscaping and views into the site are limited from the street scene.
- 10.4 The new adventure golf area and chipping green will be a new source of noise which has the potential to impact on the amenity of residential properties on Henham Road and residential properties to the west of the site. Accordingly a report on the operational noise levels from the proposed development was requested and submitted. Environmental Health officers state that the proposal, taking into account the existing high ambient noise levels, the proposal is unlikely to lead to loss of amenity in respect of noise levels. The proposal would also result in dust, however this can be dealt with by an appropriate condition. Additionally an increase in user traffic on the access road may impact on neighbour's amenity. This traffic would be from construction traffic on a temporary basis and also from an increase in use of the facilities of the golf course once the works are completed. There would be a significant amount of HGV movements to and from the site which will result in approximately 45 deliveries of material to the site per day. The construction traffic would be limited to a relatively short period of time. (it is estimated that the importation phase to be completed within a 7-8 month window.)



- 10.5 There is to be no additional floodlighting associated with this proposal.
- 10.6 It is considered that there would be limited material detrimental impact on neighbour's amenity as a result of the proposal

**C Contamination ( ULP policy (ENV 14)**

- 10.7 The site is located on previously filled land and disturbance by earthworks and drainage may cause harm to relevant receptors, including human health and the water and ecological environment.  
The NPPF paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Paragraph 120 states that local policies and decisions should ensure that new development is appropriate for its location, having regard to the effects of pollution on health or the natural environment, taking account of the potential sensitivity of the area or proposed development to adverse effects from pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).  
Accordingly further information was requested form the applicant and the Environment Agency has removed their holding objection subject to conditions.  
. Without these conditions the proposed development on this site poses an unacceptable risk to the environment.

Environmental Health Officers have also been consulted and they advise that a full site characterisation and risk assessment will be needed to ensure the site and construction methods are suitable, to include an assessment of landfill gas and provision for screening any imported material other than from the named donor site. This can be achieved by the implementation of safeguarding conditions if the application is to be approved.

**D Biodiversity (ULP policy GEN7)**

- 10.8 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010.

A Biodiversity Questionnaire has to be submitted by the applicant of any application to assess the likely presence of protected species within or in close proximity to the application site. The questionnaire allows the council to assess whether further information is required in respect of protected species and their

habitats. Several of the questions were answered with a yes, however an ecology report, has been submitted with the application. This identifies that the two embankments present at the site support a small population of grass snakes and within the wider golf course site Great Crested Newts have been recorded. Essex County Council ecologists have been consulted and have no objections to the proposal subject to condition.

As such it is not considered that the proposal would have any material detrimental impact in respect of protected species, (subject to appropriate conditions) and complies with policy GEN7.

- 10.9 Additionally the site is located within 1.8kms of the end of the approaches of Stansted runway and therefore the proposal could conflict with safeguarding criteria. The site and the proposed construction of the new reservoir and the water features within the adventure golf has the potential to further of increase the bird strike risk at Stansted Airport.
- 10.10 Natural England have also confirmed that they are satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interests for which Elsenham Woods SSSI has been notified. Elsenham Woods SSSI does not represent a constraint in determining this application.

#### **E Highway issues and Parking (ULP Polices GEN8 and GEN1)**

- 10.11 The proposal will result in additional LGV movements on the existing access road which is shared with Elsenham quarry site and a residential property to the west. . There is also a public footpath that passes along the northern side of the site and bridle ways to the south of the site.

The Highways Authority at Essex County Council has been consulted and raises no objections to this scheme subject to appropriate conditions. This includes the submission of a Construction Method Statement and conditions relating to condition surveys being carried out before and after of Hall Road from the access to the donor site. It is however considered that these conditions are unreasonable as Hall Road is used by up to 400 LGV vehicle movements per day by vehicles to and from Elsenham Quarry. Additionally there are other large developments proposed and approved on adjacent sites to Hall Road making the condition unenforceable.

A representation has been received requesting that a condition is attached to any approval restricting the works would be time restricted to the 8 month maximum period as set out in their application. It is however, considered that this would be unreasonable as importation periods are estimates and factors such as weather and soil conditions may play a part in the speed at which the materials can be imported.

Additionally it would also be in the applicants interests to complete this phase of the development as soon as possible to minimise disruption at its own site and to get the new facility open and operational. The golf course would remain open during operations.

Adequate parking for the facilities would be retained

#### **F Flood Risk ( ULP Policy GEN3)**

- 10.12 The site is located within flood zone 1 which Planning Practice Guidance states that in this zone developers should seek opportunities to reduce the overall level of flood risk in the area through the layout and form of the development and the appropriate application of sustainable drainage systems.

The Essex County Council SUDS team have been consulted and they state that whilst the site area is 5.68ha, it is suggested in the flood risk assessment that the new impermeable areas created by the development will only be 300sqm. Therefore this application is unlikely to have an effect on drainage in the area. The flood risk assessment and surface water drainage strategy report states that the inclusion of a pond and a reservoir will increase attenuation. The proposal has been designed so that the two new range embankments will encourage water to shed towards the centre. The subtle elevation proposed inside the embankments will ensure that surface water will drain towards a collection point at the south western area of the range. Water will then be pumped to the reservoir which is proposed at the eastern end of the range.

## **11. CONCLUSION**

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

- A The principle of the development is acceptable within the countryside Protection Zone in accordance with policy S8 of the Uttlesford Local Plan (adopted 2005)
- B The design and scale are appropriate and the proposal subject to conditions and taking into account the benefits of the scheme, would on balance be acceptable and would not have any material detrimental impact on neighbours amenity sufficient to warrant refusal of the scheme in accordance with Uttlesford policies GEN2, GEN8, GEN1, GEN4 of the Uttlesford Local Plan (adopted 2005)
- C Subject to appropriate conditions the proposal would not result in an unacceptable risk to human health, the water environment and other receptors in accordance with policies GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005)
- D It is not considered that the proposal would have any material detrimental impact in respect of protected species, (subject to appropriate conditions) and complies with policy GEN7.
- E Essex County Council has no objections to the proposal. Adequate parking for the facility would be retained. The proposal subject to conditions would comply with policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005)
- F The flood risk assessment demonstrates an adequate standard of flood protection and there is no increased risk of flooding elsewhere. The proposal complies with policy GEN3 of the Uttlesford Local Plan (adopted 2005)

### **RECOMMENDATION – APPROVAL WITH CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Development shall not begin until a fully detailed scheme and management plan for the netting of the reservoir and great crested newt ponds has been submitted and approved in writing by the Local Planning Authority, in consultation with the Safeguarding Authority for Stansted Airport. The netting must be designed to fully exclude hazardous birds such as, but not limited to, ducks, feral geese and grey heron. The management plan must include measures to ensure the netting is maintained and retained to the approved specification for as long as the reservoir and great crested newt ponds are required. Thereafter shall be implemented in accordance with the approved details. No subsequent alterations to the approved scheme are to take place unless first submitted to and approved in writing by the

Local Planning Authority.

Reason: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of Birds and an increase in the bird hazard risk of the application site, in accordance with ULP policy GEN2

3. Development shall not commence until a Bird Hazard Management Plan (BHMP) has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:
- Monitoring of any standing water within the site temporary or permanent
  - Sustainable urban drainage schemes (SUDS) – Such schemes shall comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage schemes (SUDS) (available at [www.aoa.org.uk/operations-safety](http://www.aoa.org.uk/operations-safety))
  - Maintenance of planted and landscaped areas, particularly in terms of species of plants that will be allowed to grow.
- The Bird Hazard Management Plan shall be implemented as approved as part of the development and shall remain in force in perpetuity. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

Reason: It is necessary to manage the development in order to minimize its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Stansted Airport in accordance with ULP policy GEN2

4. The works shall be undertaken in accordance with all recommendations in the Ecological Assessment Report (October 2015). Any deviation from the recommendations should be communicated to the Local Planning Authority and project ecologist immediately

Reason: To ensure all habitats and species identified as being present on / or adjacent to the site are protected appropriately in accordance with ULP policy GEN7.

5. No works shall commence until a detailed mitigation strategy has been produced for great crested newts. The mitigation strategy shall adhere to the outline detail provided in the Ecological Assessment Report (October 2015) in all respects and be suitable for submission to Natural England to obtain a Development License following planning consent.

Reason: To ensure great crested newts (a European Protected Species) are protected throughout works in accordance with ULP policy GEN7.

6. No works shall commence until a detailed mitigation strategy has been produced for reptiles. The mitigation shall adhere to the outline detail provided in the Ecological Assessment Report (October 2015) in all respects

Reason: To ensure reptiles(nationally protected species) are protected throughout works in accordance with ULP policy GEN7

7. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development

iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with ULP policy GEN1

8. 8 No floodlighting or external lighting shall be installed until details of lighting including lux levels has been submitted to and approved in writing by the local planning authority. Thereafter the lights shall be installed in accordance with the approved details.

Reason: In the interest of visual amenity and airport safety in accordance with ULP policies GEN2 and GEN5

9. No development including groundworks shall take place until a site investigation of the extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This investigation must be undertaken by a competent person and be based on the findings of the phase 1 desk study submitted with the application and must include:
- (i) a survey of the extent, scale and nature of contamination;
  - (ii) a conceptual model of the site indicating sources, pathways and receptors
  - (iii) an assessment of the potential risks to: human health, property (existing or proposed), service lines and pipes, adjoining land, the water environment and ecological receptors

Reason: To ensure that the proposed development does not cause harm to human health, the water environment and other receptors in accordance with policies GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

10. If found to be necessary as a result of part 1 (condition 9 above), a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the council prior to commencement of development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation scheme are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority.

Reason: To ensure that the proposed development does not cause harm to human health, the water environment and other receptors in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

11. The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 2 months of the completion of measures identified in the approved scheme, a validation report to demonstrate the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Council. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. If a requirement for longer term monitoring is

identified by the remediation scheme, a final report on completion of the monitoring demonstrating that all long-term remediation works specified in the scheme have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Council

Reason: To ensure that the proposed development does not cause harm to human health, the water environment and other receptors in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

12. In the event that contamination that was not previously identified is found at any time during development, development must be halted on that part of the site affected by the unexpected contamination. The contamination must be reported in writing within 3 days to the Local Planning Authority. An assessment must be undertaken in accordance with the requirements of condition 12, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 9.

Reason: To ensure that the proposed development does not cause harm to human health, the water environment and other receptors in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

13. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent from the Local Planning Authority.

Reason: To prevent pollution of the water environment, in accordance with Policy ENV12 of the Uttlesford Local Plan (adopted 2005).

14. No waste other than those waste materials defined in the application details shall enter the site.

Reason: Waste material outside of the aforementioned would raise alternate, additional environmental concerns which would need to be considered afresh and to comply with Policies W3A, W3D, W4A, W5A, W8A, W8B, W8C, W9A, W9B, W0E from the Essex County Council Waste Local Plan and Policy GEN2 of the Uttlesford Local Plan (adopted 2005)

15. No crushing and/or screening of stone, concrete, brick rubble or hardcore shall take place on the site.

Reason: To protect residential amenity from adverse impacts from such operations, to control waste processing operations and to comply with Policies... WLP Policies: W3A, W8A, W8B, W8C, W10E from the Essex County Council Waste Local Plan and Policy GEN2 of the Uttlesford Local Plan (adopted 2005)

16. No development shall take place until the details of wheel and underside chassis cleaning facilities have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed in accordance with the approved details and implemented and maintained for the duration of the

development hereby permitted. Without prejudice to the foregoing, no commercial vehicle shall leave the site unless the wheels and the underside chassis are clean to prevent materials, including mud and debris, being deposited on the public highway.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Policies W3A, W4C, W8A, W8B, W8C, W10E from the Essex County Council Waste Local Plan and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

17. No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The development shall be implemented in accordance with the approved scheme with the approved dust suppression measures being retained and maintained in a fully functional condition for the duration of the development hereby permitted.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Policies W3A, W8A, W8B, W8C, W10E from the Essex County Council Waste Local Plan and Policy GEN4 of the Uttlesford Local Plan (adopted 2005)

18. No aggregate shall be exported from the site.

Reason: To control the level of operations so as to minimise the impact of the resultants traffic on the local/environment, in accordance with Policies GEN1, GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

19. No topsoil, subsoil and/or soil making material shall be stripped or handled unless it is a dry and friable condition<sup>1</sup> and no movement of soils shall take place:  
(a) During the months November and March (inclusive) unless otherwise approved in writing by the Local Planning Authority.  
(b) When the upper soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1977 – 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or  
(c) When there are pools of water on the soil surface.

Reason: To minimise the structural damage and compaction of the soil, to aid the final restoration of the site in compliance with Policies W3A, W10C, W10E from the Essex County Council Waste Local Plan.

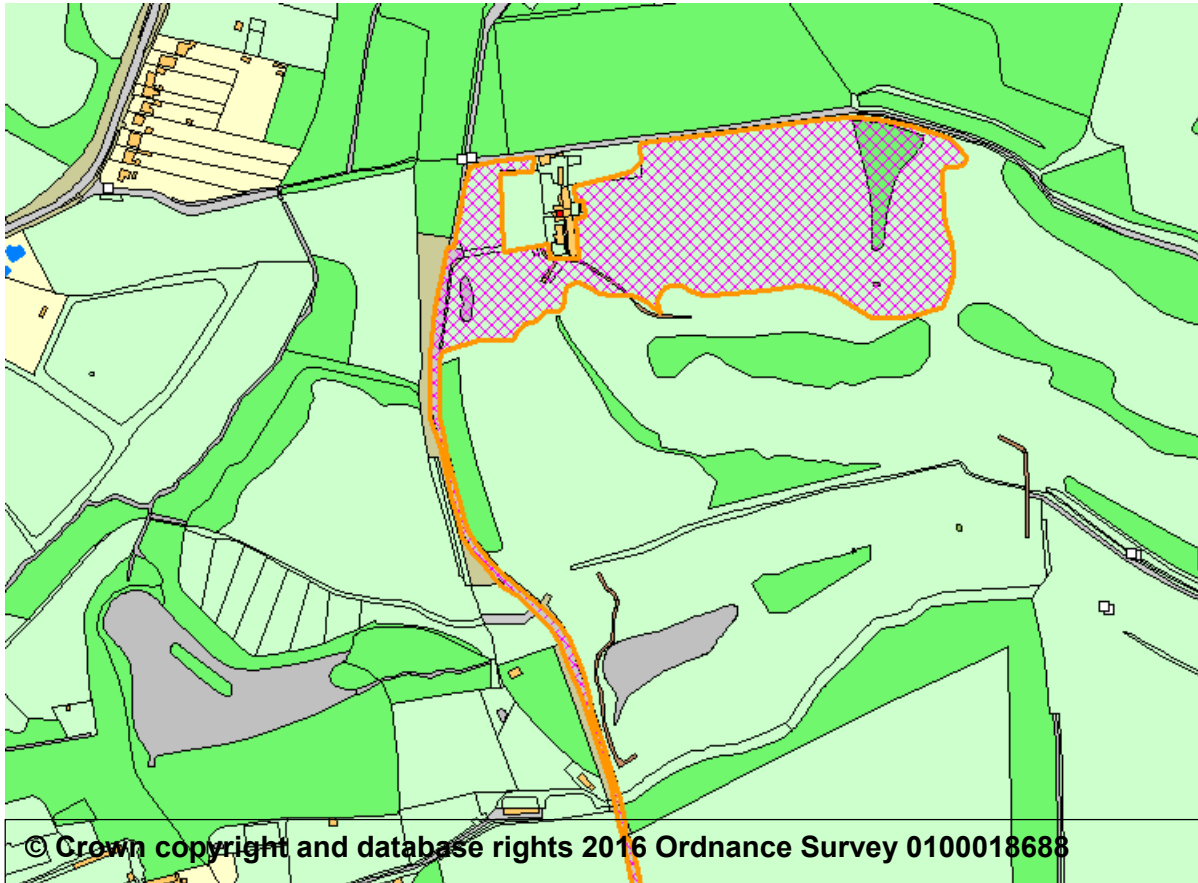
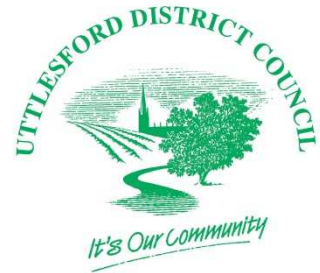
Note<sup>1</sup> The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.

20. The proposal hereby permitted excludes the use of solar photovoltaic (PV) installations to power the drainage and irrigation system.

Reason: The installation can have an impact on aerodrome safeguarding and would be contrary to ULP policy GEN2.

Application Number: UTT/16/1066/FUL

Address: Elsenham Golf and Leisure Limited, Hall Road  
Henham



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Organisation: Uttlesford District Council

Department: Planning

Date: 23 December 2016



**UTT/16/2520/FUL - (Farnham)**

(Referred to Committee by Councillor Janice Loughlin. Reason: to allow the committee to assess any impact on neighbouring properties)

**PROPOSAL:** Proposed demolition of existing garage and shed and construction of fully covered swimming pool including ancillary accommodation of changing rooms and toilets for family use and for private swimming lessons

**LOCATION:** 1 Rectory Drive, Rectory Lane, Farnham, Bishops Stortford, Hertfordshire CM23 1HW

**APPLICANT:** Mr Cliff Williams

**AGENT:** Colin Hawkins Designs

**EXPIRY DATE:** 21.12.2016

**CASE OFFICER:** Philip Freeman Bentley

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**1. NOTATION**

1.1 None.

**2. DESCRIPTION OF SITE**

2.1 The main part of the site is number 1 Rectory Drive, which is located to the south of Rectory Lane and comprises a detached two-storey dwellinghouse fronting the public highway. The dwellinghouse has pitched roofs and is finished in a mock-Tudor style with facing brick, timber, render and roof tiles. This part of the site is approximately 0.1 hectares in size. It includes an area of hardstanding to the front of the dwellinghouse, which is used for car parking and accessed via Rectory Drive, and a landscaped garden to the rear. There is a detached garage and a shed in this garden. Both are constructed from timber; the garage is at the end of the garden and accessed via a private driveway that also serves other properties on Rectory Lane. The site's boundaries comprise a mixture of low brick walls, approximately 1.8 metre high wood panel fencing and mature vegetation.

2.2 The other part of the site is the front car park area of Farnham Village Hall. This is located about 80 meters along Rectory Lane, to the west of the main part of the site. This part of the site is approximately 0.05 hectares in size and comprises hardstanding.

2.3 The subject dwellinghouse is adjacent to a semi-detached dwellinghouse to the east (number 39 Rectory Lane) and a detached dwellinghouse to the west (number 2 Rectory Drive). There is open countryside, including a paddock, to the rear and other dwellinghouses along Rectory Lane in a linear pattern; there is no uniformity in terms of form or style.

**3. PROPOSAL**

3.1 The proposal is for the demolition of the detached garage and shed in the garden of number 1 Rectory Drive and the erection of an indoor swimming pool and

associated facilities. The swimming pool building would be single-storey (with a basement) and up to 20.0 metres deep, 14.2 metres wide and 4.1 metres high; its footprint would be in the region of 200 square metres.

- 3.2 As well as being used in connection with the dwellinghouse, it is proposed that the swimming pool would be used for the provision of swimming lessons to members of the public. Notwithstanding the information included on the application form, this is considered to be a D2 (assembly and leisure) use. The application materials do not describe how many members of the public would use the swimming pool on a daily, weekly, monthly or annual basis, but it is stated that up to four children or adults may have lessons at any one time between the hours of 9:30 am to 11:00 am, 1:00 pm to 3:00 pm and 4:00 pm to 6:30 pm on weekdays (excluding bank holidays) and 9:30 am to 3:00 pm on Saturdays. It is also stated that the equivalent of one full time job would be created through the proposed use.
- 3.3 It is proposed that car parking would take place at Farnham Village Hall. A total of eight car parking spaces, including one disabled space, would be provided and members of public would be expected to walk from Farnham Village Hall to number 1 Rectory Drive along Rectory Lane and access the proposed swimming pool in the main site's rear garden via a footpath along the shared boundary with 39 Rectory Lane. Information submitted by the applicant states that there is an agreement with Farnham Village Hall that would allow for the parking of up to eight vehicles for up to three hours for no more than 4 times a day on weekdays. There is no definite provision for weekend car parking and the agreement would be reviewed after twelve months.

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

- 4.1 The applicant has submitted some letters, including several appended documents, which are discussed where relevant.

#### **5. RELEVANT SITE HISTORY**

- 5.1 Application reference numbers UTT/16/1346/HHF and UTT/16/1657/FUL, which were both for the erection of a swimming pool in the rear garden of number 1 Rectory Drive, were withdrawn by the applicant.
- 5.2 There is no other relevant, recent planning history.

#### **6. POLICIES**

##### **6.1 National Policies**

- National Planning Policy Framework (NPPF)

##### **6.2 Uttlesford Local Plan (2005)**

- Policy S7 – The Countryside
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN4 – Good neighbourliness
- Policy GEN7 – Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- Policy ENV3 – Open spaces and trees
- Policy ENV8 – Other landscape elements of importance for nature conservation

- Policy ENV11 – Noise generators
- Policy LC2 – Access to Leisure and Cultural Facilities

### 6.3 **Supplementary Planning Policy**

- Essex County Council Parking Standards Design and Good Practice (September 2009)
- Essex County Council Development Management Policies (February 2011)

## 7. **PARISH COUNCIL COMMENTS**

- 7.1 Farnham Parish Council supports the proposal as it considers that a swimming pool would make a positive contribution to the community, given that it would be possible for residents and school children from the local area to use the facility. It is also confirmed that there is an agreement that would allow visitors to park at Farnham Village Hall; details of this agreement are included in Farnham Parish Council's comments relating to withdrawn planning application reference number UTT/16/1657/FUL, which have been submitted by the applicant and are outlined above.

## 8. **CONSULTATIONS**

### **UDC Environmental Health**

- 8.1 No objections, subject to a condition and an informative relating to the levels of noise generated by swimming pool plant and equipment.

### **Highway Authority (ECC)**

- 8.2 Objections, because: of the proposed lack of a permanent and constant parking facility, which could lead to inappropriate on-street car parking, to the detriment of the efficiency and safety of the highway; and the proposed location of the parking facility, which is remote from the development and only connected by a road with no footway, and could cause conflict between pedestrians and vehicles to the detriment of highway safety. This is contrary to the Highway Authority's Development Management Policies.

### **ECC Ecology Consultant**

- 8.3 No objections, subject to an informative relating to bird nests.

### **London Stansted Airport**

- 8.4 No objections.

### **UDC Landscaping Officer**

- 8.5 No objections.

### **Other**

- 8.6 No responses have been received from Affinity Water and Thames Water Utilities. Overall, the letters to consultees expires 05/12/2016.

## **9. REPRESENTATIONS**

9.1 Eleven representations have been received from neighbours. The letters to neighbours expire 05/12/2016. Five of the representations are in support and six are objections. The six objections include representations from two individuals that have both responded twice. The comments are summarised as follows:

- The proposal would benefit the community.
- Any benefit to the community would potentially be limited, due to the nature of the proposed use.
- The proposed car parking arrangements would lead to an unacceptable impact on the safety and operation of the highway, due to the distance of Farnham Village Hall from number 1 Rectory Drive and the lack of a suitable footpath and lighting along Rectory Lane between these two parts of the site, as well as the unsuitability of Rectory Drive for access and car parking.
- Traffic congestion in the local area would be increased.
- Access via the driveway to the rear of number 1 Rectory Drive would cause safety and security issues
- If the application is approved, some sort of restriction should be placed on the use of Rectory Lane.
- Proposed car parking at Farnham Village Hall would prevent any unacceptable impact on the safety and operation of the highway.
- The proposed development would have an adverse impact on neighbouring amenity due to the design of the building, the loss of trees, which currently provide screening, and the disturbance and loss of privacy that would be caused by the use and access arrangements.
- The construction of the proposed development would have an adverse effect on amenity and Rectory Drive.

9.2 It is noted that the applicant has submitted some representations made in relation to withdrawn planning application reference number UTT/16/1657/FUL. However, these not considered to be relevant, as the subject application is a fresh planning application.

9.3 Specific comments on matters that are not addressed in the appraisal section are set out below:

- The applicant has confirmed that the driveway to the rear of number 1 Rectory Drive would not be used for the proposed development; this driveway is not included within the application site.
- The impact of construction activities could be controlled under separate legislation.

9.4 Otherwise, where relevant, comments on representations are included in the planning considerations text below

## **10. APPRAISAL**

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

- A Whether the proposed swimming pool is acceptable within the countryside (ULP Policy S7).
- B Whether the proposed development would be of an appropriate design and scale, respecting the character and appearance of the surrounding area and the dwellinghouse (ULP Policy GEN2).
- C Whether the proposal would adversely affect amenity values of neighbouring

residents (ULP Policies GEN2, GEN4 and ENV11).

D Whether the proposal would have an acceptable impact on the operation and safety of the public highway (ULP Policies GEN1, GEN8 and LC2).

E Whether the proposal would have an acceptable impact on trees (ULP Policy ENV3).

F Whether the proposal would have a harmful effect on wildlife (ULP Policies GEN7 and ENV8).

**A Whether the proposed swimming pool is acceptable within the countryside (ULP Policy S7).**

10.1 The subject site is located within the countryside. Local Plan Policy S7 protects the countryside for its own sake and places strict control on new building. It only permits development that either needs to take place in the countryside or is appropriate to rural areas, and requires that the appearance of development protects or enhances the particular character of the part of the countryside within which it is set or that there are special reasons why the development in the form proposed needs to be there.

10.2 The NPPF generally supports sustainable development in rural areas. In particular, paragraph 28 supports sustainable growth and the expansion of business through well designed new buildings and leisure developments that benefit communities and respect the character of the countryside.

10.3 Although the proposed development is considered to be a leisure facility, rather than a community facility, it would provide some benefit to the community. This may only be for a short period, as there is no mechanism for ensuring that the business operates for any set length of time, but it does weigh in favour of the proposal in any case.

10.4 Notwithstanding the benefit to the community, it is considered that the proposal is unacceptable in principle. There is no clear case as to why the development in the form proposed needs to take place in the location proposed and, although Farnham is developed along Rectory Lane, it is noted that the proposed swimming pool would be a large structure on the very edge of number 1 Rectory Drive's current residential curtilage, which borders open countryside. Given the size and scale of this structure, which is not characteristic of outbuildings in other nearby residential gardens, and the fact that it would be visible from the open countryside to the rear of the main site, it is considered that it would fail to protect or enhance the particular character of the part of the countryside under discussion. This would especially be the case due to the proposed removal of vegetation along the site's rear boundary and the height and width of the proposed pitched roof's ridge.

**B Whether the proposed development would be of an appropriate design and scale, respecting the character and appearance of the surrounding area and the dwellinghouse (ULP Policy GEN2).**

10.5 Local Plan Policy GEN2 sets out general design criteria for new development and in particular requires that development is compatible with the scale, form, layout, appearance and materials of surrounding buildings. Local Plan Policy H8 states that home extensions will be permitted if their scale, design and external materials respect those of the original building. Paragraph 64 of the NPPF complements this policy by resisting poor design.

- 10.6 As stated above, the proposed development would be large and uncharacteristic of outbuildings in other nearby residential gardens. Indeed, by nature this is not a residential outbuilding; rather it is a commercial leisure development within the rear garden of a dwellinghouse. Whilst the subject detached dwellinghouse is reasonably large and set within a good-sized large garden, it is considered that the proposed development would fail to respect the proportions of the detached dwellinghouse and the character of the surrounding area because of its size and scale. This impact would be exacerbated due to the proposed loss of vegetation to the rear of the garden, which currently provides screening.
- 10.7 It is also noted that the proposed materials would be of a low quality. However, a condition could be attached to any planning permission to require the submission and approval of revised materials.
- 10.8 It is noted that the rear garden of number 1 Rectory Drive would remain large enough to provide sufficient of private rear garden space, in accordance with the Essex Design Guide (2005). However, there are some potential issues related to the interaction of the existing and proposed uses on the same site, especially if the two uses were to fall into separate ownership.

**C Whether the proposal would adversely affect amenity values of neighbouring residents (ULP Policies GEN2, GEN4 and ENV11).**

- 10.9 Local Plan Policy GEN2 sets out general design criteria for new development and, in particular, requires that development minimises the environmental impact on neighbouring properties by appropriate mitigating measures and does not cause an unacceptable loss of privacy, loss of daylight, overbearing impact or overshadowing to neighbouring residential properties. Local Plan Policy GEN4 requires that development does not cause material disturbance or nuisance, in terms of noise or vibrations. Local Plan Policy ENV11 states that noise generating development will not be permitted if it would be liable to adversely affect the reasonable occupation of existing or proposed noise sensitive development nearby, unless the need for the development outweighs the degree of noise generated.
- 10.10 Due to its proposed design, including size, scale and position on the application site, it is not considered that the swimming pool structure itself would cause any undue harm to the amenity values of neighbouring residents in terms of overlooking from windows, loss of daylight, overbearing impact or overshadowing. This is taking into account the proposed loss of vegetation that currently provides screening along the site's shared boundaries.
- 10.11 However, whilst it is accepted that a swimming pool used in connection with the dwellinghouse would normally be acceptable. it is considered that the proposed use of the application site for a leisure use that would be open to members of the public would lead to an unacceptable level of harm to neighbouring amenity because of disturbance and nuisance. This would principally be due to the levels of noise that would be generated.
- 10.12 It is noted that the applicant has provided some evidence, in the form of a letter from Aqualia, in an attempt to demonstrate that the levels of noise caused by the proposed swimming pool plant and equipment would be acceptable. Following advice from the Council's Environmental Health team, it is accepted that, subject to a condition, the levels of noise caused by the proposed swimming pool plant and equipment would not result in material harm to neighbouring amenity.

10.13 Notwithstanding the above, it is considered that the introduction of a commercial use that would entail the comings and goings of considerable numbers of people, would cause disturbance and nuisance. Members of the public coming to use the swimming pool would enter the site from the front boundary with Rectory Lane and pass along the shared boundary with number 39 Rectory Lane to access the facility in the rear garden. Although the exact numbers of people using the site on a daily, weekly, monthly or annual basis is unclear, it is stated that up to four children or adults may have lessons at any one time between the hours of 9:30 am to 11:00 am, 1:00 pm to 3:00 pm and 4:00 pm to 6:30 pm on weekdays (excluding bank holidays) and 9:30 am to 3:00 pm on Saturdays. It is clear, therefore, that reasonably large numbers of people would be using the facility on any given day and that there would be periods, most probably during the overlaps between sessions, when there would be significant numbers of additional comings and goings over and above what would normally be expected for a single dwellinghouse. This type of activity is considered to be out of character with the residential nature of the surrounding area. It is thought that the levels of noise resulting from members of the public coming and going on a regular basis would result in material harm to the amenity of neighbours, due to the size of the application site and the proximity of neighbouring dwellinghouses. It is also noted that, although the swimming pool is indoors, the design of the building features folding doors. Presumably the applicant plans to open these during warmer times of the year, which would result in noise from swimming lessons spilling out into the garden, thus causing further disturbance to neighbours.

10.14 There would also be some impact on neighbouring privacy, because significant numbers of members of the public would visit the rear garden of number 1 Rectory Drive on a regular basis. However, it is not considered that this would cause undue material harm, due to the existence of screening along shared boundaries between number 1 Rectory Drive and number 39 Rectory Lane and number 2 Rectory Drive, and the fact that visitors would be unlikely to linger in the garden or on the access path.

**D Whether the proposal would have an acceptable impact on the operation and safety of the public highway (ULP Policies GEN1, GEN8 and LC2).**

10.15 Local Plan Policy GEN1 sets out requirements for access to new development and generally states that the surrounding transport network should not be overburdened and that road safety should not be unduly affected, taking into account the needs of those using forms of transport other than motorised vehicles. The Essex County Council Development Management Policies (February 2011) has been adopted by the Council to provide further guidance.

10.16 Local Plan Policy GEN8 only supports development that would provide for vehicle parking places that are appropriate for the location in terms of number, design and layout. The Essex County Council Parking Standards Design and Good Practice (September 2009) document has been adopted by the Council to provide further guidance.

10.17 The proposed swimming pool would provide approximately 200 square metres of public area. The Essex County Council Parking Standards Design and Good Practice (September 2009) document sets out that one vehicle parking space should be provided per 10 square metres of public area for a D2 use swimming pool; it also requires at least 3 disabled vehicle parking spaces for D2 use swimming pools. A total of 8 car parking spaces are proposed at Farnham Village Hall, which would include 1 disabled car parking space. This falls short of the required standard.

It is also noted that, contrary to the required standard, no powered two wheeler or cycle parking spaces are proposed.

- 10.18 The proposed car parking would take place off-site at Farnham Village Hall, which is approximately 80 meters away from number 1 Rectory Drive along Rectory Lane. It is noted that there is no footway or lighting along this section of road. This is inappropriate and could lead to a situation of conflict between pedestrians and vehicles to the detriment of highway safety, especially as it is understood that the swimming pool would be used to provide lessons for children, who would be more vulnerable than some other pedestrians.
- 10.19 The agreement with Farnham Village Hall would allow for the parking of up to eight vehicles for up to three hours for no more than 4 times a day on weekdays. There is no definite provision for weekend car parking and the agreement would be reviewed after twelve months. It is considered that the lack of a permanent, constant and otherwise suitable parking facility could lead to inappropriate on-street car parking to the detriment of highway safety.
- 10.20 Although it has not been proposed that car parking for the swimming pool takes place on the main site, it is noted that the existing car parking area for the dwellinghouse at number 1 Rectory Drive would not be large enough to accommodate adequate car parking for both the dwellinghouse and the swimming pool.
- 10.21 Local Plan Policy LC2 applies to leisure facilities, such as swimming pools, stating that these should provide inclusive access to all sections of the community, regardless of disability, age or gender. No supporting information has been provided to demonstrate the proposal would provide inclusive access. However, it is considered that the proposed off-site car parking arrangements are unlikely to be suitable, especially given the lack of the footway on the road between the main site and the car parking area.

**E Whether the proposal would have an acceptable impact on trees (ULP Policy ENV3).**

- 10.22 Local Plan Policy ULP ENV3 seeks to restrict development proposals that would lead to the loss of groups of trees and fine individual tree specimens.
- 10.23 Some vegetation, including trees, would be lost. Whilst these trees have some value in terms of screening the boundaries of the application site, it is not considered that any of these trees are important in terms of visual amenity. The Council's Landscaping Officer has no objections to the loss of these trees.

**F Whether the proposal would have a harmful effect on wildlife (ULP Policies GEN7 and ENV8).**

- 10.24 Local Plan Policy GEN7 does not permit development that would have a harmful effect on wildlife. Local Plan Policy ENV8 provides further protection for landscape elements of importance for nature conservation.
- 10.25 The development includes the demolition of the detached garage and shed in the garden of number 1 Rectory Drive, as well as the removal of some vegetation. ECC's Ecology Consultant has not objected to the proposal, subject to an informative relating to bird nests. It is also considered that an informative should be added to alert the applicant to their responsibilities in relation to bats, should the



application be approved.

## **11. CONCLUSION**

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

- A The proposed swimming pool is unacceptable within the countryside, contrary to ULP Policy S7.
- B The proposed development would not be of an appropriate design and scale, and would not respect the character and appearance of the surrounding area and the dwellinghouse, contrary to ULP Policy GEN2.
- C The proposed development would have an unacceptable impact on the amenity values of neighbouring residents and fail to accord with ULP Policies GEN2, GEN4 and ENV11.
- D The proposal would have an unacceptable impact on the operation and safety of the public highway contrary to ULP Policies GEN1, GEN8 and LC2.
- E The proposal would have an acceptable impact on trees and accord with ULP Policy ENV3.
- F The proposal would have an acceptable impact on wildlife and accord with ULP Policies GEN7 and ENV8.

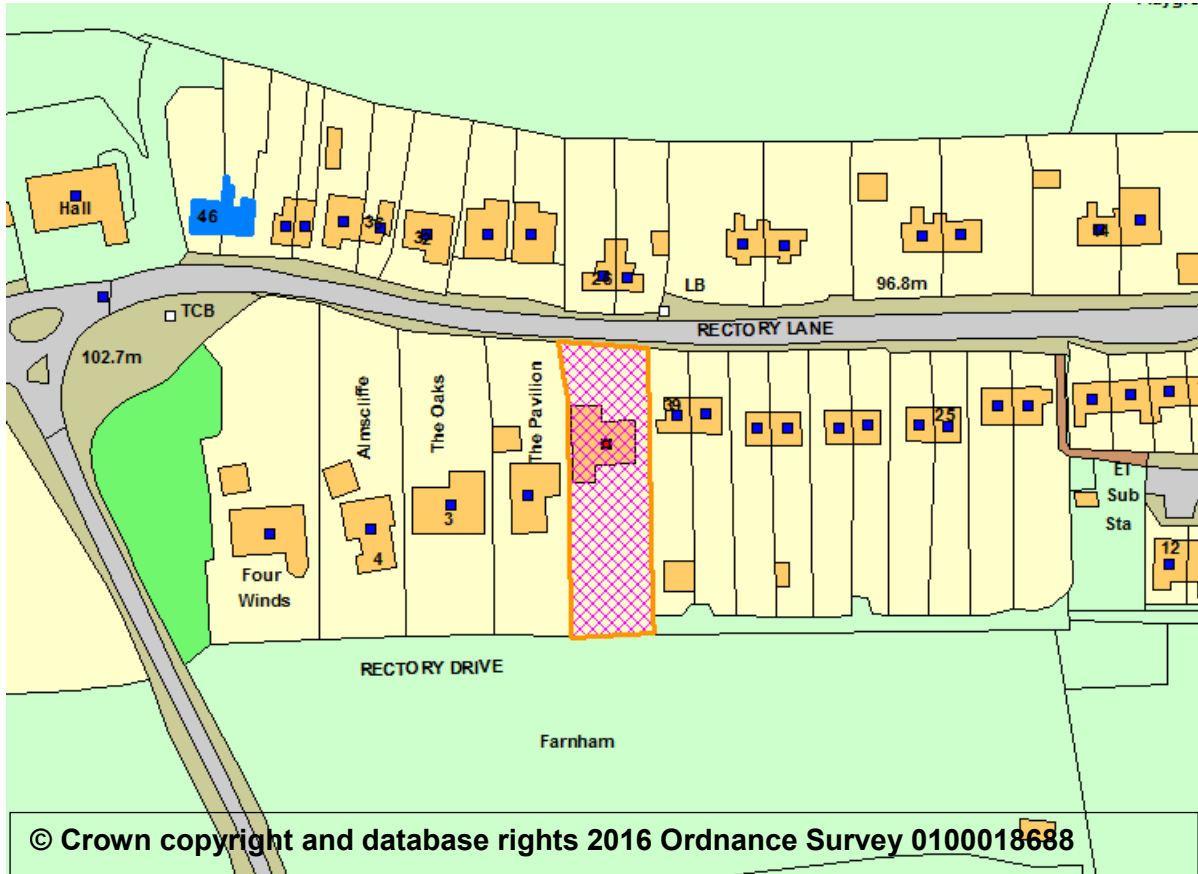
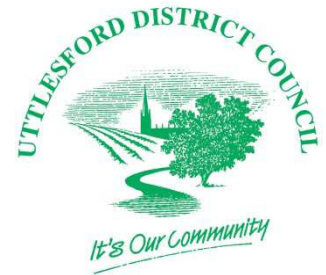
## **RECOMMENDATION – REFUSAL**

### **Reasons**

1. The proposed development, by virtue of its size, scale, position and the proposed loss of screening, would cause harm to the appearance and character of the countryside, contrary to Uttlesford Local Plan (adopted 2005) Policies S7 and GEN2.
2. The proposed development, by virtue of the significant numbers of members of the public that would visit the application site on a regular basis, would cause disturbance and nuisance to neighbouring residential properties, due to the levels of noise that would be generated, contrary to Uttlesford Local Plan (adopted 2005) Policies GEN2, GEN4 and ENV11.
3. The proposed development, by virtue of the proposed parking facility, which would provide an insufficient number of parking spaces, would not be permanent or constant, and would be remote from number 1 Rectory Lane and connected by a road with no footway, would result in harm to the efficiency and safety of the highway and fail to provide inclusive access for all members of the community, contrary to Uttlesford Local Plan (adopted 2005) Policies S7, GEN2 and LC2.

Application Number: UTT/16/2520/FUL

Address: 1 Rectory Drive, Rectory Lane Farnham



Organisation: Uttlesford District Council  
Department: Planning  
Date: 23 December 2016

## **UTT/16/2607/HHF - (Saffron Walden)**

(Referred to Committee by Cllr Lodge. Reason: Loss of light, overshadowing and overbearing effect of proposed first floor extension)

**PROPOSAL:** Part single and part two storey rear extension. Alterations to front facade, including demolition of existing old garage roof.

**LOCATION:** 33 Audley Road, Saffron Walden

**APPLICANT:** Mr & Mrs Shakespeare

**AGENT:** Hibbs and Walsh Associates Ltd

**EXPIRY DATE:** 4 November 2016

**CASE OFFICER:** Mr C Theobald

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### **1. NOTATION**

1.1 Within Development Limits / Conservation Area.

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

2.1 The site comprises a 1960's two storey brick, tiled and weatherboarded semi-detached dwelling with flat roofed single storey front projecting lobby with associated garden plot situated within a line of dwellings on the northern side of Audley Road on the edge of the town's conservation area. The property has the benefit of two frontage hardstanding spaces and two additional allocated parking spaces which exist within a resident garage block situated to the rear of the dwelling.

2.2 The adjacent semi (No.35) has the benefit of a single storey sloping roofed full width rear extension, whilst the detached dwelling to the immediate east (No.31) has the benefit of a brick and glazed rear conservatory designed in the period style which is now used as an extension of the existing dining room for every day purposes.

### **3. PROPOSAL**

3.1 This householder application relates to minor fenestration and roof changes to the front entrance lobby area to this dwelling and a part single storey, part first floor rear extension. A revised drawing has been received since receipt of the application showing the first floor element of the rear extension being moved away from the eastern flank boundary with No.31 Audley Road by a distance of 2m given expressed amenity concerns for the application – see main body of report (drawing 16-102-05 – Alternative Scheme).

3.2 The existing flat roof of the front lobby/study would be replaced with two sloping roofs across both areas, whilst the lobby would have a reduced sized front window and the study would have a flank window blocked up. The single storey rear extension (not subject to revision) would have a sloping roof, would be full width (7.2m) to physically join with the existing sloping roofed rear extension to No.35, a depth of 3.44m and height to the eaves of 2.2m, whilst the first floor gabled extension shown over part of the single storey extension would have a width of

4.3m, a depth of 3.0m and a height to the ridge from ground level of 6.8m. The ground floor extension would be externally clad in concrete tiles and yellow stock brick to match the existing ground floor extension at No.35, whilst the first floor extension would be clad in concrete tiles and contrasting weatherboarding, colour to be agreed.

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

4.1 The application is accompanied by a Design and Access Statement which states the following in support of the proposal:

- The extension at the back is not visible from the adopted road network and will not detract from the conservation area. The changes to the front façade will enhance the look of the dwelling and remove an unsightly and impractical concrete roof that is contributing to thermal bridging.
- The design of the extension is intended to be in a similar style to the existing. The addition of a sloping roof to the existing front extension disguises the fact that it was once a garage and is intentionally similar to the adjoining half of this semi-detached property (No.35).
- The site is a mature residential garden. The construction of an extension will leave more than adequate amenity space at the back of the property.
- The intention is to add one more bedroom and to enlarge the existing kitchen and dining area, whilst restoring the living room to its original proportions.
- The scale of the extension is deliberately subservient to that of the original house.
- The back of the existing property is not particularly distinguished. The addition of an extension will improve it and add to the interest.
- There is parking for two cars at the front of the property with a further two spaces available at the back within a rear resident parking block.
- The house is situated within easy walking distance of the town centre.

4.2 Email comments received 24 October 2016 from the applicant's agent with submission of revised drawing 16-102-05:

"We have prepared the attached drawing which moves the offending extension away from No.31. Subject to your comment, I think it complies with permitted development. With regard to your comments below, I think the existing bathroom window has more of an impact on the adjoining property. However, obscured glass and a condition requiring only the upper part to be openable should resolve that issue".

#### **5. RELEVANT SITE HISTORY**

5.1 None.

#### **6. POLICIES**

##### **6.1 National Policies**

- National Planning Policy Framework (NPPF)

##### **6.2 Uttlesford Local Plan (2005)**

- ULP Policy S1 – Settlement boundaries for the Main Urban Areas

- ULP Policy ENV1 – Design of development in conservation areas
- ULP Policy GEN2 – Design
- ULP Policy GEN8 – Vehicle Parking Standards
  
- Supplementary Planning Guidance “Home extensions”
- ECC Highways “Parking Standards Design and Best Practice (Sept 2009)”

## **7. TOWN COUNCIL COMMENTS**

- 7.1 The proposed extension would have considerable environmental impact on neighbouring properties, including loss of light and would have an overbearing impact and overshadowing on the neighbouring property, No.31 Audley Road.

## **8. CONSULTATIONS**

- 8.1 None.

## **9. REPRESENTATIONS**

- 9.1 2 representations received (Object / Neutral). Notification period expires 4 October 2016 (re-notification expires 11 December 2016 on revised drawing).

- 9.2 31 Audley Road, Saffron Walden, Essex, CB11 3HW

### Letter dated 19 September 2016:

“Our main objection is that the proposed two storey extension would cause significant loss of both sunlight and daylight light into the conservatory and dining room of our house by overshadowing it. This room is the main feature of our Victorian house and has been in existence with unobstructed daylight for 15 years. It is the main room which we use for family life during the day. The sun enters it from the west where the new extension is proposed, while the room faces north, so the proposed development would cut out all the sunlight from this room.

The proposed extension would also reduce the amount of natural light which comes into one of our bedrooms. This is a north-facing room which gets no sunlight at all. The proposed extension would be to the left of this window. This room, which has relied on the window for light for over a hundred years, would be significantly darker if the proposed extension was allowed to be built.

The loss of light would greatly affect our garden, which is very small and north-facing. It relies on light from the west side, No.33. The photo below shows our garden in the afternoon in maximum sun. For most of the year the west is the only route for sunlight into our garden. The red line shows where No.33 ends at the moment. All the remaining sunlight would be completely blocked by the proposed extension, leaving us with a garden which would always be in shade.

Additionally, due to the extension recently built next door at No.29, a two-storey extension at No. 33 would mean that our very small garden would be built-up on both sides making it feel more enclosed, dominated by brick walls either side. This is the view now to the east of the garden.

An additional window in the upper storey of the house is also proposed, which would directly overlook our conservatory. While it is suggested in the plans that this would be of obscured glass, we would point out that if it could be opened, the neighbours could see directly into our house, causing a loss of privacy.

We believe that the proposed extension would be overly large compared to the size of the existing house. The other half of the semi-detached house, No. 35, has had a recent single storey rear extension and the proposed extension at No.33 would be much bigger than this. We do not consider this proposed extension to be "subservient to that of the original house" as was stated on the planning application. A single-storey extension such as at No. 35 would be more appropriate both to the building and to the location.

We have shown that the proposed extension would both overlook and overshadow our house and garden, causing loss of daylight and privacy, which would have an extremely adverse effect on the occupation and enjoyment of our home".

Further comments received on neighbour notification of revised drawings (email dated 9 December 2016):

"We have looked at the new plans on the Uttlesford website. While we can see that the proposed second floor at 33 Audley Road has been reduced in length by 50cm, and moved in slightly towards the centre of the building, these are minimal changes, and the same issues of overshadowing, overbearing and overlooking remain. We have calculated that the proposed second floor would overshadow 67% of our glass-roofed sitting room. Because the proposed extension being to the west, it would block all of the sunlight and the majority of the daylight, which would have a negative impact on our room throughout the year. The only part of the room not overshadowed would be the far third of the room, which the sun would not reach at all. The proposed second floor would also have an overbearing impact on our house and garden".

35 Audley Road, Saffron Walden, Essex:

- How would the joining up of our single storey extension and the proposed single storey extension be practically dealt with (soffit board/guttering etc.)
- How does the Council's 45 degree rule work?

## **10. APPRAISAL**

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

- A Design (ULP Policies GEN2 and ENV1)
- B Impact on residential amenity (ULP Policy GEN2)
- C Whether parking arrangements would be satisfactory (ULP Policy GEN8)

### **A Design (ULP Policies GEN2 and ENV1)**

- 10.1 The proposed changes to the front of the dwelling are considered to be acceptable where the existing flat roof to the front lobby/study area would be replaced with sloping roofs which would enhance the principal elevation of the dwelling and enhance to a small extent the character and appearance of the conservation area in which the property is situated. No objections are therefore raised to this element of the submitted proposal.

- 10.2 The originally submitted drawings for the rear extension element of the proposal showed the first storey gable extension extending off the flank wall of the dwelling onto the boundary with No.31. However, given the concerns expressed by the occupiers of the adjacent dwelling, No.31 Audley Road, the extension has been moved in 2 metres in from the flank boundary. Whilst the preferred positioning for the extension would have been as originally shown (i.e. off the flank wall), it is considered that the revised positioning for the extension as now shown is acceptable in terms of design where it would represent a subservient addition to the host dwelling in terms of proportions. The use of contrasting weatherboarding for the extension would also be acceptable given its repositioning away from the flank wall where matching brick would not be appropriate in the circumstances). No design objections are raised to the ground floor element of the rear extension which would read as a continuum of the single storey rear extension for the adjacent semi, No.35. The proposed rear extensions would not have a significant impact on the character and appearance of the conservation area where the most important visual impact would be on the Audley End streetscene and no design objections are therefore raised under ULP Policies GEN2 and ENV1.

## **B Impact on residential amenity (ULP Policy GEN2)**

- 10.3 The first floor extension (as revised) would stand 2m away from the eastern flank boundary with No.31 Audley Road which as mentioned above has the benefit of a glazed roofed rear conservatory which is now used in conjunction with a dining room given its internal linkage. It is necessary, therefore, to assess whether the proposed development would have a material adverse effect on the reasonable occupation and enjoyment of this adjacent dwelling by reason of loss of privacy, loss of daylight, overbearing impact or overshadowing (or a combination of these factors).
- 10.4 The first floor rear extension as moved away from the boundary line with No.31 and its reduction in depth by 0.40m reduces the amenity impact that the extension would otherwise have had on No.31 where this would have been significant in terms of loss of light, overbearing impact and overshadowing on No.31 where the majority of the glazed roof to the extension would have been cast in shadow. However, when the 45 degree rule is applied from the Council's Supplementary Planning Document "Home Extensions", the 45 degree line would not carry across more than half of the conservatory in the horizontal plane as shown on the applicant's revised drawing 16-102-05, whilst the 45 degree line would not extend beyond the ridge line of the conservatory when viewed in the vertical plane when the conservatory is plotted on this drawing. Therefore, when this rule is applied, the level of light loss, overbearing effect and overshadowing onto the conservatory has been assessed as not being significant. Additionally, it has been calculated that the 45 degree line for the extension would not hit more than half of the first floor rear bedroom window centrally positioned above the conservatory when projected in both the horizontal and vertical planes.
- 10.5 It is accepted that the 45 degree rule is not the only tool for measuring extent of amenity loss caused by an extension and the applicant's agent has provided an online tool to show the orientation of the sun relative to the two properties where the sun moves around the south of the dwellings during the day. It is accepted that the first floor extension would cause some amenity loss to No.31 given that the rear elevations of the two respective dwellings face north, although the moving of the first floor extension across from the flank boundary with No.31 by 2m, its reduction in depth from 3.4m to 3.0m and the 45 degree rule conclusions is such that in your officers' considered opinion the level of amenity loss to No.31 would not be

significant and therefore not sufficient to warrant a refusal of the proposal on amenity grounds under ULP Policy GEN2.

- 10.6 The comments received from the occupiers of No.35 Audley Road regarding interpretation of the SPD 45 degree rule have been noted. However, the 45 degree calculation in both the horizontal and vertical planes show that this line would not exceed the middle of the adjacent first floor rear bedroom window on this side and loss of light to this window would not be significant from the proposed first floor extension. Light to the existing lounge patio doors to the ground floor extension for No.35 would not be compromised given the fact that this extension projects rearwards of the proposed first floor extension for No.33.
- 10.7 The applicant's agent has asserted for this application that the first floor extension in its relocated position not less than 2m from the boundary with No.31 as shown on the revised drawing would in normal circumstances qualify as permitted development under Part 1, Class A of the GPDO were it not for the fact that the ground floor extension element of the submitted proposal exceeds the permitted development depth allowance of 3m for a single storey rear extension by 0.44cm and the fact that the property is located within a conservation area. Whilst a strict comparison cannot therefore be made, this is still a material consideration which carries weight to this application where as previously stated the extension proposal would not be harmful to the character and appearance of the conservation area.
- 10.8 A first floor side bathroom window is proposed for the rear corner of the existing dwelling for No.33 Audley Road as part of the improvement and enlargement of this dwelling which would face onto the boundary with No.31 Audley Road as also shown on drawing 16-102-05. Concerns have been expressed by the occupiers of No.31 in this regard that the occupiers of No.33 would be able to look directly down into their rear conservatory as a result of this window being introduced. Condition A.3 (b) (ii) of the GPDO states that "any upper floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be (i) obscure glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed". This criterion applies to an existing dwelling as well as an extension to it.
- 10.9 The officer site visit for the application has shown that there would be material overlooking/loss of privacy to No.31 if the amenity requirements of condition A.3 (b) (ii) are not observed. The applicant's agent has stated that these requirements would be adhered to ensure that the introduction of this new window would qualify as permitted development. Were these requirements to be met, the window would be permitted development and could in fact be introduced to the existing dwelling regardless of the rear extension as jointly proposed.

### **C Whether parking arrangements would be satisfactory (ULP Policy GEN8)**

- 10.10 No.33 Audley Road currently has the benefit of 4 no. parking spaces, namely two frontage hardstanding spaces and 2 no. garage compound spaces to the rear of the site. The proposal would provide a fourth bedroom for the dwelling and this would trigger the need for a third on-site parking space under ECC Highways parking standards. Given the fact that the property has four confirmed parking spaces when the two additional garage compound spaces are taken into account, the proposal would comply with these standards and no policy objections are raised under ULP Policy GEN8.

## **11. CONCLUSION**



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

- A The application proposal would be acceptable in terms of design
- B The first floor rear extension element of the proposal would not have a significant amenity impact on neighbouring properties given the design revisions made.
- C The proposal would not compromise existing parking arrangements

## **RECOMMENDATION – APPROVAL WITH CONDITIONS**

### **Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 (as amended).

2. Prior to commencement of development details of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details. Subsequently, the external surfaces shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with ULP Policies GEN2 and ENV1 of the Uttlesford Local Plan (adopted 2005).

Justification for pre-commencement condition:

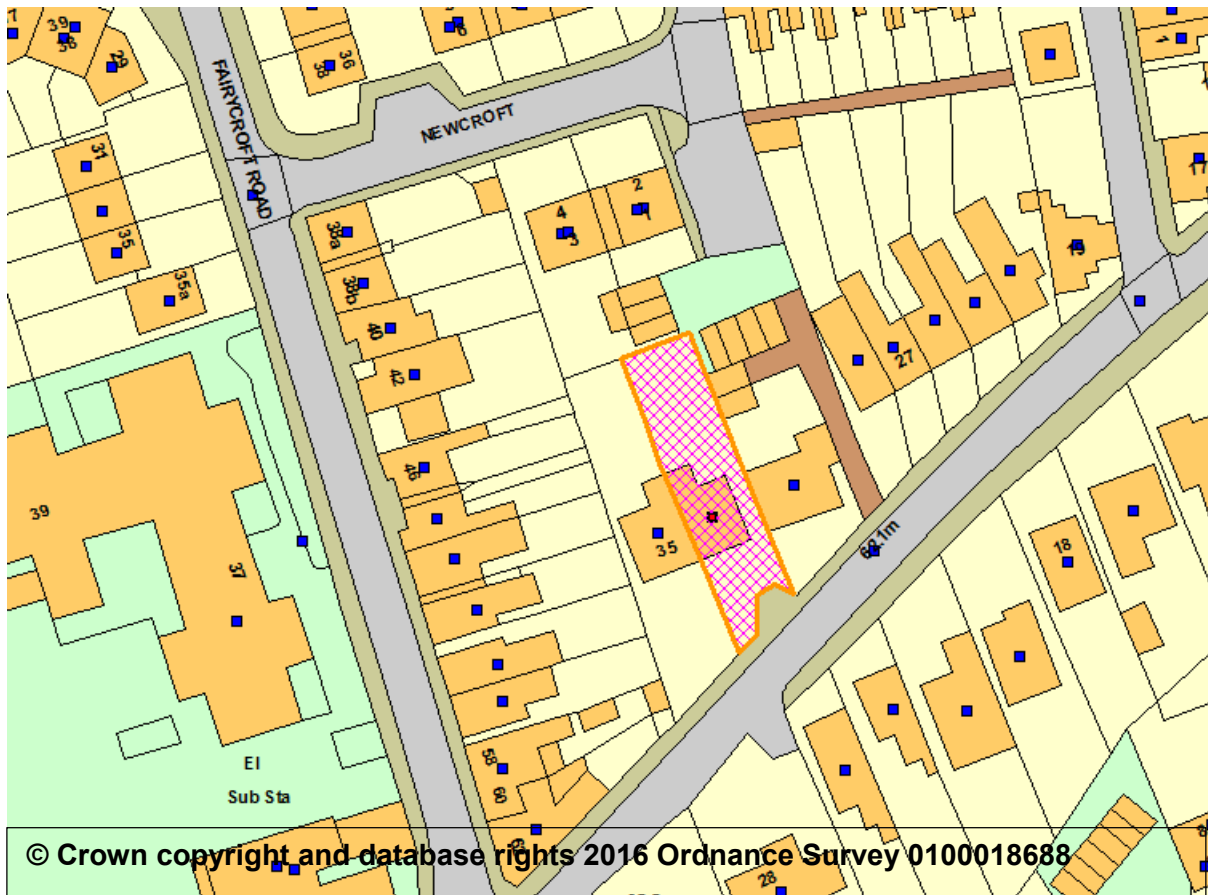
To ensure that the proposal represents an acceptable form of development.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no windows or other form of opening shall be inserted into the side elevations/roof slopes of the first floor extension hereby approved without the prior written consent of the local planning authority.

REASON: To avoid overlooking of the adjacent properties in the interests of residential amenity in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Application Number: UTT/16/2607/HHF

Address: 33 Audley Road, Saffron Walden



Organisation: Uttlesford District Council

Department: Planning

Date: 23 December 2016