



Uttlesford District Council

Chief Executive: Dawn French

Planning

Date: Wednesday, 10 May 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.

- 2 Minutes of 5 April 2017** 5 - 8
To consider the minutes

- 3 UTT-17-0522-OP - Land off Walden Road, Saffron Walden** 9 - 48
To consider the application

- 4 UTT-16-3255-FUL - Little Maypole, Thaxted** 49 - 78
To consider the application

- 5 UTT-17-0188-FUL - Land Adjacent to The Hazels, Wicken Road, Clavering** 79 - 88
To consider the application

6	UTT-17-0128-FUL - 5 Wood Lane, Birchanger To consider the application	89 - 100
7	UTT-15-2574-FUL - Hillside and Land Rear of Bury Water Lane Newport To consider the application	101 - 120
8	UTT-15-2575-FUL - Hillside and Land Rear of Bury Water Lane, Newport To consider the application	121 - 140
9	UTT-17-0436-FUL - Land at Whiteditch Lane, Newport To consider the application	141 - 162
10	UTT-17-0519-FUL - The Paddocks, Great Easton To consider the application	163 - 168
11	Chief Officer's Report - UTT-16-3669-OP - Land Adj to Great Hallingbury Manor, Great Hallingbury To receive the report	169 - 174

MEETINGS AND THE PUBLIC

Members of the public are welcome to attend any of the Council's Cabinet or Committee meetings and listen to the debate. All agendas, reports and minutes can be viewed on the Council's website www.uttlesford.gov.uk. For background papers in relation to this meeting please contact committee@uttlesford.gov.uk or phone 01799 510430/433

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.

Facilities for people with disabilities

The Council Offices has facilities for wheelchair users, including lifts and toilets. The Council Chamber has an induction loop so that those who have hearing difficulties can hear the debate.

If you are deaf or have impaired hearing and would like a signer available at a meeting, please contact committee@uttlesford.gov.uk or phone 01799 510430/433 as soon as possible prior to the meeting.

Fire/emergency evacuation procedure

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest designated fire exit. You will be directed to the nearest exit by a designated officer. It is vital you follow their instructions.

For information about this meeting please contact Democratic Services

Telephone: 01799 510433, 510369 or 510548

Email: Committee@uttlesford.gov.uk

General Enquiries

Council Offices, London Road, Saffron Walden, CB11 4ER

Telephone: 01799 510510

Fax: 01799 510550

Email: uconnect@uttlesford.gov.uk

Website: www.uttlesford.gov.uk

**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 2pm on 05 APRIL 2017**

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

Officers in attendance: A Bochel (Democratic Services Officer), N Brown
(Development Manager), K Denmark (Development Management
Team Leader), L Mills (Planning Officer), E Smith (Legal Officer)
and C Tyler (Planning Officer).

Also present: Councillors K Artus and L Wells.

PC59 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

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

PC60 **MINUTES**

The minutes of the meeting held on 8 March 2017 were approved and signed
by the Chairman as a correct record.

PC61 **CHAIRMAN'S REMARKS**

The Chairman said that Item 5, UTT-16-3255-FUL, had been deferred. The
Development Manager said that this was because a revised application had
been submitted.

PC62 **UTT-16-3566-FUL, STANSTED AIRPORT TERMINAL**

The proposal related to the erection of a dedicated arrivals terminal with
associated forecourt and alterations to access and service roads. Gorefield
Road was proposed to be realigned to continue to provide emergency and
service vehicle access to the terminal and train station.

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

Alistair Andrews spoke in support of the application.

PC63 **UTT-16-3669-OP, LAND ADJ TO GREAT HALLINGBURY MANOR, GREAT
HALLINGBURY**

Outline consent was sought for the erection of 35 dwellings with all matters reserved.

Members noted unusually high levels of public support for the application, including from the Parish Council and residents of Great Hallingbury. There was a big demand for affordable housing, and 40% of the new properties would fall into that category.

Councillors Hicks and Loughlin expressed concern about development within the Countryside Protection Zone (CPZ). Councillors said that the CPZ's value was not being dismissed, but that exceptions had previously been made in exceptional circumstances and that new development was sustainable and necessary to the village.

RESOLVED that the application be approved subject a Section 106 Obligation and suitable to conditions to be approved at a later meeting.

Councillors Wells, Artus and Townsend, Andrew Noble and Kevin Coleman spoke in support of the application.

PC64

UTT-17-0216-FUL - LAND AT WOOD END, WIDDINGTON

The application was for planning permission to erect two detached houses, which would be accessed via a shared driveway off Wood End. A double garage would be provided to the front of each house, and a community orchard would be planted beyond the rear garden boundaries.

Members said that the application was in keeping with the rural nature of the area, that it would not cause significant harm to the area's character, and that it was a good use for the piece of land.

RESOLVED that the application be approved subject to the following conditions:

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

2 Prior to commencement of the development, details of the external finishes for all buildings (including samples and/or photographs as appropriate) must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved details.

3. Prior to commencement of the development, details of the following hard and soft landscaping works must be submitted to and approved in writing by the local planning authority:

- Retained features
- New planting

- Hard surfaces
- Boundary treatment

All hard and soft landscape works must be carried out in accordance with the approved details.

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

4. Prior to commencement of the development, details of measures to secure the protection during construction of those trees identified on the approved plans as being subject to a Tree Preservation Order must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved details.

5. Prior to occupation of the development, the vehicular access must be constructed in accordance with the approved drawings for at least 6 metres from its junction with the highway.

6. Runoff water from the driveway hereby permitted must be directed to a permeable or porous surface within the application site.

7. The dwellings hereby permitted must be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

8. The development must be carried out in accordance with the recommendations in the Preliminary Ecological Appraisal (Cherryfield Ecology, 8 March 2017).

S Switzer, D Truscott, K Kemp and J Whalley spoke in support of the application.

Application for the formation of a vehicular crossover onto Holders Green Road for No.5 Whitegates and the construction of a vehicular hardstanding space behind.

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

PC66

UTT-16-3635-HHF - NO. 3 BENTALL, WILLOWS GREEN, MAIN ROAD, FELSTED

Application for the formation of a vehicular crossover onto Main Road for No.3 Bentalls as shown on drawing Env 2016/3. The new crossover would have an overall width of 6.3m comprising two transition kerbs and five dropped kerbs with tarmac finish and concrete edgings and would be constructed to ECC Highway specification standards. A new Aco drain would run parallel behind the crossover which would drain to a new soakaway.

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

PC67

UTT-17-0167-HHF -12 CROMWELL ROAD. SAFFRON WALDEN

Application for the proposed change of materials to the front (north elevation) at first floor level. The existing hanging tiles will be replaced with Marley cement board cladding.

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

The meeting ended at 4:10pm.

UTT/17/0522/OP (Saffron Walden)

(MAJOR)

PROPOSAL: Outline planning permission for up to 85 residential dwellings (including 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Little Walden Road and associated ancillary works. All matters to be reserved with the exception of the main site access.

LOCATION: Land Off Little Walden Road Saffron Walden Essex

APPLICANT: Gladman Developments

EXPIRY DATE: 24 May 2017

CASE OFFICER: Alison Hutchinson

1. NOTATION

1.1 Outside Development Limits

2. DESCRIPTION OF SITE

2.1 The application site is located to the east of Little Walden Road, on the northern side of the built-up area of Saffron Walden. It comprises part of an agricultural field and covers approximately 4.47 hectares (11 acres). The irregular southern boundary of the site follows the extent of the existing residential development at St Marys View and Limefields whilst the western boundary extends along Little Walden Road (the B1052). The northern boundary is formed by a belt of woodland with open fields beyond. The eastern boundary is largely arbitrary and follows no natural boundary but has been drawn to coincide with the eastern boundary of the woodland and the extended hedge line from the Limefields Pits local nature reserve to the south.

2.2 The site is largely open and in agricultural use apart from the area adjacent to the existing residential development which contains an area of scrub with trees around its edges. The site has a frontage of some 160m along Little Walden Road. Approximately three quarters of this boundary is formed by a substantial hedgerow with an open area along the southern approach into the town.

2.3 The site slopes down from east to west by approximately 9m.

3. PROPOSAL

3.1 The application represents a resubmission of UTT/16/2210/OP which was refused planning permission on 23 December 2016 on four grounds: the impact of the development on open countryside, highway impact, ecology grounds, particularly in relation to the presence of Barbastelle bats and lastly for the lack of mitigation through a Section 106 Agreement. That application is currently the subject of an appeal. The current application seeks to overcome the technical objections to the previous application. It makes no changes to the overall number of dwellings and

also seeks outline planning permission for up to 85 dwellings on the site with all matters reserved for future approval apart from access.

- 3.2 Access is proposed from Little Walden Road via a single priority controlled junction at the centre of the site frontage. A footway is proposed on the site frontage linking the site with Little Walden Road. The proposal also includes pedestrian/cycle connections close to the south west corner of the south and one central to the southern boundary which would provide direct connection with St Mary's View.
- 3.3 The Design and Access Statement indicates that the development will contain a range of 1 to 5 bedroom properties, comprising a range of house types. The application is accompanied by a revised Development Framework which shows that the built development would occupy a smaller area of the site than the refused application. The density of the development has been increased from the previous 31dph to 34dop to allow more of the site to be used for landscaping and open space. As a consequence, the area of scrub and trees to the north of St Mary's View is to be used for ecology purposes and general open space with the LEAP, previously proposed in that area, to be relocated further north into the main area of the development. An attenuation basin is shown in the south western corner of the site adjacent to existing bungalows on Little Walden Road. A series of footpaths is shown which circle the boundary of the site and also link into St Mary's View.
- 3.4 The applicants have confirmed that 40% affordable housing would be provided with different tenures to comply with policy.

4. APPLICANT'S CASE

- 4.1 The application relates to land off Little Walden Road, Saffron Walden. It seeks outline planning permission for up to 85 dwellings, planting and landscaping, informal open space, a children's play area, surface water attenuation, a vehicular access point from Little Walden Road and associated ancillary works, with all matters reserved except for access.
- 4.2 This application follows a previous application by Gladman for residential development of the site. The application was refused by Uttlesford District Council and this application seeks to respond to the reasons for refusal; specifically those relating to landscape, highways and ecology.
- 4.3 The application site represents a suitable and sustainable location for housing, well located to the existing urban area. The proposal offers the opportunity to deliver:
 - local benefits, through investment in the local community;
 - district-wide benefits, in terms of making a strategically important contribution to housing supply and economic objectives; and
 - a boost to the supply of homes and the delivery of sustainable development, supporting national objectives.
- 4.4 The proposed development has been carefully considered to ensure that it would provide high quality, sustainable development. The design-led approach, informed by consultation with the local planning authority, key stakeholders and the local community responds sensitively to the site's setting, respecting the grain of the surrounding landscape, both built and undeveloped. The development would be a positive addition to Saffron Walden complementing the character of the surrounding area in terms of scale, density, character and quality.

- 4.5 The design focuses residential development on the northern part of the site, retaining significant areas of open space to the south, including a nature park, while also providing a circular footpath around the perimeter. The development edge has been set back from the site frontage to maintain an overall perception of openness and a suitable strategic landscape edge. The approach enables the development to form a sustainable extension whilst retaining around 44% of the site as green infrastructure.
- 4.6 While the proposal development conflicts with the development plan in relation to policies concerning development in the open countryside, due to the absence of a deliverable five-year supply of housing in the district, and in the context of paragraph 49 of the National Planning Policy Framework ('the Framework'), those policies are out of date and the presumption in favour of sustainable development of paragraph 14 of the Framework applies. An assessment against the up-to-date provisions of the Local Plan and the Framework, where relevant, demonstrates the scheme comprises sustainable development.
- 4.7 The proposals would provide a range of benefits, including making a significant contribution towards meeting objectively assessed market and affordable housing needs of the district, in a situation where the five-year housing land supply position of the Council is marginal at best.
- 4.8 Very little weight can be given to the adopted countryside policy that would otherwise constrain the development of this site and the concomitant harm identified to the landscape is limited in scale and magnitude; it is no more than would be expected for changing a previously undeveloped site to one of built form.
- 4.9 There are no policies of the Framework which indicate permission should be restricted.

In summary, the identified harm arising as a result of the development would not be considered sufficient, either in combination or by themselves, to outweigh the benefits of delivering housing as proposed. It is respectfully requested that planning permission is granted.

5. RELEVANT SITE HISTORY

- 5.1 UTT/16/2210/OP - Outline planning permission for up to 85 residential dwellings (including 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Little Walden Road and associated ancillary works. All matters to be reserved with the exception of the main site access. Application refused on 23 December 2016 and due to be considered at a public Inquiry scheduled for June 2017.

UTT/16/0991/FUL – Proposed change of use of land from agricultural to equestrian for the grazing of horses and the erection of a stable block with associated hard standing, fencing, gate and new vehicular access and track on land at Little Walden Road. Pending decision.

UTT/0038/09/FUL – Removal of chestnut paling fence from three sides of nature reserve and replace with chainlink fence 2.4m approx.' at Limefield Pits Nature Reserve, Limefields. Approved 19 March 2009.

UTT/0027/98/DFO – Erection of 27 dwellings and garages and construction of access

to highway at Limefields, Little Walden Road. Reserved matters following approval of UTT/0007/95/OP. Approved 13 August 1998.

UTT/0007/95/OP – Outline application for 30 dwellings on land off Little Walden Road.

Approved 27 September 1995.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford Local Plan (2005)

- Policy S1 – Development Limits for the Main Urban Areas
- Policy S7 - Countryside
- Policy GEN1 – Access, Policy GEN2 – Design,
- Policy GEN2 - Design
- Policy GEN3 – Flood Protection
- Policy GEN4 – Good Neighbourliness,
- Policy GEN5 – Light Pollution,
- Policy GEN6 – Infrastructure Provision to Support Development
- Policy GEN7 – Nature Conservation,
- Policy GEN8 – Vehicle Parking Standards,
- Policy ENV3 – Open Spaces and Trees.
- Policy ENV5 – Protection of Agricultural Land,
- Policy ENV7 – The Protection of the Natural Environment – Designated sites
- Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation
- Policy ENV13 – Exposure to Poor Air Quality
- Policy ENV14 – Contaminated Land,
- Policy ENV15 – Renewable Energy,
- Policy H1 – Housing Development,
- Policy H9 – Affordable Housing,
- Policy H10 – Housing Mix

7. TOWN COUNCIL COMMENTS

- 7.1 This planning application was considered at the Town Council's Planning & Road Traffic Committee meeting held on 16th March 2017 and is recorded under Minute Reference P & RT 266-17 and the following response was agreed:

To object to this application on the following grounds:

(Please note that where Policies are referred to, these are Policies from the current Uttlesford District Council's Local Plan adopted 20th January 2005 unless otherwise advised)

1. The application is contrary to Policy S1 - Development limits for the main urban areas. This proposed development seeks permission for up to 85 residential homes all of which would be developed outside of the development limits. The map accompanying Policy S1 clearly defines any major urban extensions or permissible development within the existing built up areas. This application is outside of the development areas shown for Saffron Walden accompanying Policy S1 and on that

basis alone, is not in compliance with the Policy.

2. The application is contrary to Policy S7 – the Countryside. This Policy states that “permission will only be given for development that needs to take place there” and further that “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”. This application does not need to be in this location and will result in the loss of countryside surrounding the town of Saffron Walden. There are no known special reasons why the development should be in this location and it would certainly not enhance the particular character of the countryside; its impact would have a negative effect of the view and vista of this area. The proposed site is elevated and is also a key gateway into the town. Large scale development of this nature would have a detrimental impact on entry into the town and would also be seen from a distance. The site sits elevated from neighbouring existing housing and would therefore create a considerable negative, visual impact not only when entering the town but also from within the town itself. The site would be visible from many areas of the town, having a negative visual impact on the surrounding countryside.

3. The application is contrary to Policy ENV5 – Protection of Agricultural Land. The proposed site is grade 2 agricultural land and is therefore considered good quality, versatile agricultural land. Policy ENV 5 states that “developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise”. There is no evidence provided to inform that the developer has sought development in any poorer quality land area and development at this site would result in the loss of prime agricultural land.

4. The application is contrary to both Policies ENV 7 – The Protection of the Natural Environment and ENV 8 – other landscape elements of importance for nature conservation. It is noted that the land is not currently a registered site of special scientific interest and as such does not benefit from protection under this but it is further noted that this is an area of local nature conservation, including wildlife habitats and woodland. Policy ENV 7 states that development in local areas of nature conservation will not be permitted. Policy ENV 8 further advises that development which adversely affects a number of landscape elements (and these are listed within the Policy) will only be permitted if the following criteria apply being “(a) the need for development outweighs the need to retain the elements for their importance to wild fauna and flora and (b) mitigation measures are provided that would compensate for the harm and reinstate the nature conservation value of the locality” Development at this site would have an adverse effect on local hedgerows, locally important habitats and woodland. The application does not address or provide any mitigation measures for compensating this loss

5. The development would have a detrimental impact on the existing road infrastructure. It is likely that 85 homes would result in a minimum of 120 new cars on the road and the narrow, restricted carriageways of the town are unable to cope with the existing traffic congestion let alone an additional estimated 120 vehicles. The following is noted from the Local Plan (paragraph 15.2 Saffron Walden Inset refers) “Traffic in Saffron Walden is a significant problem with its historic street pattern, restricted carriageway widths and junction geometry posing particular problems for heavy goods vehicles. At various times during the day the existing road system is unable to cope with the number of trips being made. This can result in delays, disturbance to the occupants of buildings close to the affected roads and a reduction in the quality of the environment for pedestrians”. The same paragraph continues to note that “Further traffic management measures are envisaged during

the plan period, to be identified through the Essex Local Transport Plan and Uttlesford Transport Strategy". It is noted that no significant plans or measures have been introduced since the adoption of the Local Plan in 2005 and therefore it is fair to assume that the traffic within Saffron Walden continues to be a significant problem and that likely it has deteriorated even further from when the paragraph was written and included in the Local Plan. It is further noted that the applicant has carried out a traffic survey and impact study on the roundabout at Church Street and Ashdon Road but has not continued this study to take account of traffic flow or congestion in any other streets in the town, including other major areas of congestion or junctions.

6. The Town Council notes the objections raised by Essex County Council with regards to the Surface Water Drainage and would support the concerns and queries raised by them.

7. The proposed development would result in the loss of a "sense of place" for the current residents to this area. The residents currently enjoy a view of open countryside, space and quiet as a direct result of being on the outskirts of the town. This sense of place will be totally lost should the application be granted as the current residents of Limes Fields and St Marys View will no longer be on the outskirts of the town but will instead be enveloped into a large urban development.

8. It is noted that Essex County Council Highway Authority objected to the previous application submitted under UTT/16/2210/OP and within this response noted *"from a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:*

Having regard to the existing traffic use, forecast growth and the additional traffic which this proposal is likely to generate or attract, the road which connects the proposed access to the town centre and on to key destinations is considered to have insufficient capacity to cater for the proposal while providing safety and efficiency for all road users. It is considered that the residual cumulative impact of the development in this location is severe and application does not provide sufficient mitigation to address this."

At the time of providing this response from the Town Council, the response from the Highway Authority to this application is not yet known and is not shown on the public area of the Planning Portal. The Town Council assumes that those same objections as raised by the Highway Authority in respect of application No UTT/16/2210/OP will remain valid and will be resubmitted by the Highway Authority. This application does not appear to be vastly different to that previously presented and the same traffic impact is anticipated, the Town Council therefore suggests that those same objections as noted by the Highway Authority to the earlier application regarding traffic impact should carry forward to this application. On the basis of the comments submitted previously by the Highway Authority, the Town Council is of the belief that the proposed development would result in significant and unmanageable capacity problems at a number of junctions within Saffron Walden and particularly on Ashdon Road / Church Street.

9. It is noted that the application contains a pumping station and concerns are expressed about noise levels from this station and the negative effect on local residents. Further details are required about this proposed pumping station to ensure that (should the application be granted) any noise levels are acceptable to local residents with little if any noise impact.

10. The application seeks to remove a hedge at the front of the development onto

Little Walden Road and the Town Council objects to the removal of this hedge and the resulting loss of habitat to the local wildlife. Should the application be granted, this hedge should remain.

11. It is noted from the applicant's Statement of Community Involvement (SCI), that the developer "requested a private meeting with Saffron Walden Town Council but this request was declined". In the interests of openness, transparency and best practice, the Town Council had no desire to meet in private with the developer but instead offered on numerous occasions, the opportunity to meet with the developer in a public, open forum. This request was declined by the developer numerous times. The Town Council would not wish to hold private, exclusive meetings with the developer to the detriment of keeping local residents informed. This is not reflected within the applicant's Statement of Community Involvement and the Town Council wishes this matter to be formally noted and recorded as it is omitted from the SCI.

Should Uttlesford District Council be minded to approve this application, Saffron Walden Town Council requests that it is directly involved in and have direct contribution to the S106 discussions and negotiations. This is particularly pertinent for any public open space contained within the development. It is likely that the Town Council would look favourable upon managing the public open space within the development including play areas.

8. CONSULTATIONS

BAA Safeguarding

8.1 No Objections

ECC Education

8.2 From the information provided it is assumed that all of the 85 units are homes with two or more bedrooms, and therefore a development of this size can be expected to generate the need for up to 7.65 Early Years and Childcare (EY&C) places; 25.5 primary school, and 17 secondary school places.

The proposed development is located within the Saffron Walden Castle Ward. According to Essex County Council's childcare sufficiency data published in July 2016, there is one sessional pre-school in the area. Overall, a total of two unfilled places were recorded. For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. Although there is some EY&C capacity in the area, the data shows insufficient provision to meet demand from this proposal. It is, thereby, clear that additional provisions will be needed. An additional 7.65 places would be provided at an estimated total cost of £106,565 at April 2016 prices. This equates to £13,930 per place and so, based on demand generated by this proposal set out above, a developer contribution of £106,565, index linked to April 2016, is sought to mitigate its impact on local EY&C provision.

There is currently a fine balance between the demand and supply of primary school places in Saffron Walden but, with additional housing forecast, Essex County Council's document 'Commissioning School Places in Essex' estimates a deficit of 102 places across the Saffron Walden area (Uttlesford Group 2) if action is not taken. Essex County Council's '10 Year Plan' for meeting demand for school places

proposes a one form entry bulge class for the area and work is underway to look at expanding permanent accommodation at RA Butler Infant and Junior Schools. Based on the demand generated by this proposal set out above, a developer contribution of £311,559, index linked to April 2016, is sought to mitigate its impact on local primary school provision. This equates to £12,218 per place.

With regards to secondary education, the Priority Admissions Area school for the development would be Saffron Walden County High. As with local primary provision, the School is full and forecasts in Commissioning School Places in Essex suggest a potential deficit of 138 places by 2020. Positive discussions have taken place with the school about expanding and this project could be taken forward with developer funding. Based on the demand generated by this proposal set out above, a developer contribution of £315,537, index linked to April 2016, is sought to mitigate its impact on local secondary school provision. This equates to £18,561 per place.

At both primary and secondary school level it is clear from the above data that additional school places will be necessary. This development would add to that need and, thereby, the scope of projects to provide additional school places is directly related to the proposal. The contributions sought are based on the formula, established in the Essex County Council Developers' Guide to Infrastructure Contributions, which calculates sums based on the number and type of homes built. The contribution will thus be fairly and reasonably related in scale and kind to the development and, thereby, Community Infrastructure Levy regulation 122 compliant. Five obligations naming the projects alluded to have not been entered into at this time and the Local Planning Authority would thereby also be regulation 123 compliant in taking the mitigation requested into account when making a decision on this application.

Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council will not be seeking a school transport contribution; however, the developer should ensure that safe direct walking and cycling routes to local schools are available.

In view of the above, I request on behalf of Essex County Council that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on childcare and education. Our standard formula s106 agreement clauses that ensure the contribution would be fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

If your council were minded to turn down the application, I would be grateful if the lack of surplus childcare and education provision in the area to accommodate the proposed new homes can be noted as an additional reason for refusal, and that we are automatically consulted on any appeal or further application relating to the site.

ECC Highways

8.3 Recommend approval.

The assessment of the application and transport assessment was undertaken with reference to the National Planning Policy Framework 2012 and in particular paragraph 32, the following aspects were considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

This application is a duplicate of the previous application UTT-16-2010. However the

supporting evidence has been revised and a number of different assumptions have been made concerning the impact of the development on the highway network. In demonstrating the reduced impact on the network the following criteria have been changed:

- The trip rates have been reduced, based on evidence from traffic counts at adjacent estates
- The distribution of trips on the network has been changed to put more traffic going north from the site and thus avoiding the town centre. This is based on evidence from the census data and Google maps journey times.
- The network has been looked at in detail and the profile of traffic through the junctions during the peak hour was replicated in the modelling showing that there is a smooth rather than peaked profile at most junctions

The data from these three exercises has been used to inform the modelling of the impact of the development on a number of key junctions in Saffron Walden.

The new data has been carefully considered and although the trip rates used are lower than that in the original application, using data traffic counts at similar developments can be acceptable to determine trip rates, and in this case they have been looked at in relation to the TRICS database, ensuring that a reasonable forecast is made.

It is thought reasonable that 18% of work related peak traffic will go northward based on census data and fact that the journey times to Cambridge are roughly equivalent to using the route through the town centre. This is especially the case if the junctions to the south are congested when it is likely that conditions on the future network could impact on future driver behaviour.

In looking at the way traffic behaves on the ground it has been possible for the consultant to refine traffic models to reflect with more accuracy the likely impact of the development.

While there is no doubt that a number of junctions within Saffron Walden are at or approaching capacity, the transport assessment demonstrates that the impact on the majority of junctions is likely to be less than 2%. Of particular concern is the Ashdon Road junction. The maximum impact on this is 1.9% (36 trips) in the am peak or 2% (35 trips) in the pm. Even with a higher distribution of trips to the south (90%) the impact is still only 2.1% in the am and 2.2% in the pm. It is very difficult to argue that this level of impact is severe as the growth in queue lengths above the committed development is minimal.

The modelling of the Church Street junction with the B184 shows that it is currently at capacity with significant queuing in the nearside lane. While the modelling previously undertaken showed that the queue would increase beyond the length of Church Street with the addition of growth and committed development, it is generally understood that modelling can become unstable when the capacity is exceeded as in this case. Some work has been undertaken by the applicant to cast doubt on whether the queue will regularly exceed the length of Church Street and impact the Ashdon Road mini roundabout junction. In any event the development is forecast to put only 11 cars on Church Street in the am peak which is again a minimal impact.

A transport strategy was produced by ECC in 2013 and a Cycle Strategy in 2014 which showed a raft of measures that would help to reduce congestion and increase the accessibility of the town centre. A contribution to help deliver these strategies is

required to help to mitigate the impact of the development.

It is noted that the opportunity for using sustainable transport instead of the car is limited as the nearest bus stop with a daily weekday service is 1.27km away. This should be considered by the planning authority within the general sustainability of the site along with the fact the majority of journeys will impact on the Air Quality Management Area in the town centre.

In summary from an assessment of the evidence put forward by the applicant in the transport assessment, in conjunction with the mitigation outlined below, I am forced to conclude that it will be difficult to prove that in highway terms the residual, cumulative impact of the development is severe.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions and a legal obligation to secure contributions towards ECC transport strategies.

ECC SUDs

8.4 Letter dated 24 April 2017

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission.

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Letter dated 24 March 2017

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we object to the granting of planning permission based on the following:

Inadequate Surface Water Drainage Strategy

The Drainage Strategy submitted with this application does not comply with the requirements set out Essex County Council's Outline Drainage Checklist. Therefore the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted strategy fails to:

- Demonstrate a viable discharge location. More information about the levels associated with the ditch leading to the River Slade should be provided to demonstrate why discharge to this location is not possible. Agreement in principle should also be provided to demonstrate that the water company is willing to accept flows into the sewer.
- Provide sufficient information about the proposed discharge rate. – Essex County Council's policy is to require surface water discharge to be restricted to the greenfield 1 in 1 year rate. While rates have been limited below Qbar it is not clear whether they are as low as required.

- Demonstrate that the correct Coefficient of Volumetric Runoff Values (Cv) has been used. – the values of 75% and 84% should only be used when the calculation consider that a proportion of sub-catchment contributing runoff to the drainage system is permeable. Sewers for Adoption (7th Edition) recommends that a Cv of 1.0 should be used whenever calculating runoff from impermeable surfaces (roofs and paved areas should have an impermeability of 100%).
- Provide an allowance for urban creep. A 10% allowance should be allowed to account for unplanned development over the lifetime of the development.
- Provide sufficient storage – Based on the above comments it may be necessary to revise the proposed storage figures.
- Demonstrate sufficient treatment for all parts of the developed site.

Anglian Water

8.5 Section 1 – Assets Affected

1.1 Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES

Section 2 – Wastewater Treatment

2.1 The foul drainage from this development is in the catchment of Saffron Walden Water Recycling Centre that will have available capacity for these flows.

Section 3 – Foul Sewerage Network

3.1 The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Section 4 – Surface Water Disposal

4.1 The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

4.2 The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. We request that the agreed strategy is reflected in the planning approval

Section 5 - Trade Effluent

5.1 Not applicable

Section 6 - Suggested Planning Conditions

Anglian Water therefore recommends that a planning condition is attached to any

planning permission.

Affinity Water

- 8.6 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.

Sport England

- 8.7 The proposed development is not considered to fall either within Sport England's statutory or non-statutory remit upon which we would wish to comment, and therefore Sport England has not provided a detailed response.

ECC Archaeology

- 8.8 Recommend a programme of trial trenching and open area excavation

ECC Ecology

- 8.9 No objection subject to conditions

You will be aware that we maintained a holding objection to the previous application (UTT/16/2210/OP) relating to this site by the same applicant for the following reasons:

- Loss of connective bat habitat, particularly for Barbastelle bats.
- Insufficient justification for removal of connecting habitat and removal of semi-improved grassland which could be part of a Local Wildlife Site.
- Insufficient information to determine the adequacy of mitigation
- Uncertainty relating to the extent of hedgerow on the western boundary that would be affected. The applicant's ecologist therefore cannot make a final assessment which needs to be made in the context of the proposals. This is contrary to the NPPF and current national guidance.

The new application provides a Revised Ecological Appraisal (dated February 2017) which includes a Current Site Proposals with Notable Species Plan (Figure 6). This amended scheme has taken many of our comments into account.

We welcome the amended proposals to the scheme to improve connectivity around the perimeters of the site; to retain most of the existing habitat and to create a nature reserve/ nature park. This will help to mitigate for protected species, particularly bats. Proposed mitigation is set out with Section 5 of the Revised Ecological Appraisal.

Bat mitigation/ hedgerows

Mitigation proposed for bats includes:

- Sympathetic lighting
- Bat boxes
- Enhancement and creation of habitats to retain connectivity

However, c.80m of hedgerow H1 on the western boundary would still be lost for the access road and highways visibility. This is significant as it would restrict bat movement, particularly as the record of the Barbastelle bat (Annex II species1) means this is an 'Important Hedgerow' under the Hedgerow Regulations. As the connection for bats would be severed by the access road and the junction and would presumably be wide and well-lit, it would no longer function effectively as a bat access route. A new hedgerow on the opposite side of the site- the eastern boundary- is proposed in the Revised Ecological Appraisal, as well as tree planting near to the main junction. In addition to this, we suggest that additional mitigation is required in order to help ensure continuing connectivity and provide adequate mitigation, ie:

1. We welcome the creation of a green link corridor between the attenuation area and nature park. However, this will need to be dissected by a road and, in order to make it as intact as possible, a bat hop-over should be created at this point.
2. Creation of the tree planting to create a bat hop-over at the new main road junction is welcomed (section 5.43). However, it is assumed that the nature of this junction would require it to be wide and well lit. Therefore, there should also be increased tree planting to provide a partial hop-over at an appropriate point along H1 to enable bat movement to the other side of Little Walden Road, improving connectivity with the Slade. The best place for this might be in the south west corner of the site.
3. All boundaries should be adequately protected from construction. Furthermore, in order to retain connectivity, it should also be ensured that the new hedgerow on the eastern boundary is established before the 80 metres of H1 can be removed. This needs to be included within the Construction Environmental Management Plan (Biodiversity) - please refer to proposed conditions.
4. A sympathetic lighting scheme should be provided through condition, based upon the recommendations in section 5.38.

Reptiles

Details set out in the Discussion and Recommendations section of the Revised Ecological Appraisal should be set out in a Construction Environmental Management Plan (Biodiversity); this can be conditioned.

Badgers

There is an outlier sett which is understood to be used occasionally and the Ecological Appraisal considers that badgers use suitable habitats within the site for movement and foraging. Please note that I have recently visited the site and the badger sett was in use at this time.

The recommendations for badgers in Appendix B, the Badger Survey Report, should be adhered to. In addition, sensible precautions during construction, such as covering all cavities overnight or providing an escape means to avoid the trapping of, and subsequent damage to, badgers and other nocturnal mammals. This should be set out in a Construction Environment Management Plan (please refer to proposed conditions below).

Semi-improved grassland

We welcome the retention of the grassland (5.13). However it is not clear why there would be native tree and shrub planting to “create a mosaic of habitats” as this already exists. It is also not clear why some of the area will still be removed or exactly what would be removed. This information should be provided at the reserved matters stage in the Construction Environment Management Plan.

1 Annex II of The Conservation of Habitats and Species Regulations 2010

Woodland

We welcome the retention of the woodland. Section 5.14 states that, “the vast majority will be retained”, but it is not clear how much of the woodland would be removed (or why) and it is not clear why it is proposed to fence off the woodland.

The woodland should be maintained and enhanced to improve its biodiversity and also to benefit the local community. Long term management should be through a legal agreement.

Habitat creation

The width of habitats to be created is still not clear.

The species-rich grassland should include flowering plants that are able to withstand with some trampling, but nectar rich and to encourage foraging insects eg. red clover and birds foot trefoil.

It is not known whether this has been produced by the same author as the previous Ecological Appraisal, as the consultant has not been identified in the ecological report, despite it being a requirement of CIEEM guidance. This not good practice.

UDC Housing Enabling Officer

- 8.10 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 85 (net) units. This amounts to 34 affordable housing units and it is expected that these properties will be delivered by one of the Council’s preferred Registered Providers.

The mix and tenure split of the properties are given below.

	Land off Little Walden Road				
	1 bed	2 bed	3 bed	4 bed	Totals
Affordable Rental Homes	0	15	6	1	22
Affordable Rental Bungalows	2	0	0	0	2
Shared Ownership Homes	0	8	1	0	9
Shared Ownership Bungalows	0	1		0	1
Total Affordable Housing Units	2	24	7	1	34

Homes should be indistinguishable from the market homes; be predominately houses

with on plot parking and in clusters of no more than 10 units.

The Council requires 5% of all units to be delivered as bungalows. In addition, the Council requires 5% of all dwellings to be fully wheelchair accessible.

9. REPRESENTATIONS

9.1 85 letters have been received objecting to the proposed development together with submissions from Residents Against Sustainable Development (RAUD) on planning policy, highways, ecology, landscape, air quality, local infrastructure. The letters and submission documents raise the following issues:

- This application is the same as the previous one that has been refused planning permission.
- The previous application was rejected by the Highway Authority and the Town Council.
- The objections for the current application are the same as for the previous application.
- The development is not supported by the development Plan which remains the Uttlesford Local Plan 2007.
- The development is contrary to Policies S1, S7, ENV3, ENV5, ENV8, GEN1, GEN2, GEN6, GEN7, ENV7, ENV8, H9
- The development is contrary to relevant provisions of the NPPF
- The development is not sustainable
- The Council has recently recalculated its 5 year supply and can demonstrate a deliverable 5 year supply of housing land and this calculation has been confirmed at recent appeals.
- The loss of the western boundary hedge will exacerbate the visual impact of the development on the open countryside.
- The site is a greenfield site and enhances the setting of Saffron Walden
- The land is Saffron Walden Green Belt.
- Brownfield sites should be considered first.
- Loss of agricultural land.
- Visual impact of the development
- The area for development is elevated and more prominent and will have a greater impact upon the surrounding views from the nearby public rights of way.
- Impact upon the historical landscape and on views from public footpaths in the locality.
- Footpaths and bridleways are used extensively and the views from Catons Lane to Westley Farm Footpath would be destroyed.
- Increase in the possibility of flooding for adjacent housing and Little Walden Road because of the lie of the land and the amount of development.
- Impact upon properties in St Mary's View
- Impact upon nature and wildlife – the development is located adjacent to a local nature reserve and will have detrimental impact upon area.
- Land to the south is a haven for wildlife.
- The field is populated by endangered newts and many different types of bats. This does not seem to have been considered. The close proximity to the nature reserve and ancient woodland puts the local ecology at risk.
- The application interferes significantly with the existing environment for bats.
- Concern about the potential impact of the development on barbastelle bats.
- The nature reserve (Limefields Pit) is geological and historical feature in the

- local area and of both historical and environmental importance.
- Question the validity of the Ecological Appraisal.
 - Question the length of hedgerow that would be lost to achieve the access from Little Walden Road.
 - Concerns regarding the future of the woodland to the north of the site.
 - Concerns regarding increased traffic in Limefields and St Mary's View and potential danger to children.
 - The submitted Transport Assessment contains errors.
 - The submitted Transport Assessment overestimates northbound trips and underestimates south bound ones.
 - The proposed vehicular access would be a hazard to road users
 - Impact upon congestion within Saffron Walden - there is no option but to drive through town to get to major routes and with other developments around Saffron Walden the town is already close to gridlock at peak times.
 - Difficulties of access for emergency vehicles within the town because of congestion.
 - Traffic in the town is at crisis level already both in terms of volume and pollution and the increase from this development will add to risk to health of residents.
 - Any increase in traffic flow in this area of town will only make worse the problems of congestion on Lt Walden Road, especially at peak times.
 - Unsafe location of access on a bend with a 60mph speed limit.
 - Increase in traffic at junctions of Church Street, High Street, Hill Street, Thaxted Road etc.
 - Increased vehicular traffic to Limefields will carry a greater risk of injury to children cycling and playing on this quiet road.
 - Little Walden Road is too narrow for Coaches and LGV's to pass without stopping traffic on the opposite side in places and with increased numbers of residents parking on the roadside between Goddard Way and Town, further volumes are unsustainable
 - Public transport in the town is poor
 - There is no bus service along Little Walden Road
 - The developers propose construction of 85 dwellings over the period 2016 to 2021 and therefore will lead to ongoing disruption for residents in the area and on traffic on Little Walden Road.
 - Question the validity of the conclusions in the Transport Report.
 - Little Walden Road has a severe speeding problem. There is already a severe speeding problem at the town's end length of Little Walden road, this has never been enforced.
 - Impact of the traffic in Linton.
 - Most local employment is located either in the town centre or on industrial estates to the east of the town.
 - It has been established that the pollution levels in Saffron Walden often exceed national safety limits. An increase in the number of cars travelling through the town each day would have a negative effect on the air quality and therefore health and wellbeing of residents
 - The SHLAA assessed the site in 2015 and stated that it is not suitable as it is unsustainable and too far from the town centre.
 - There is insufficient infrastructure to support the development. Local services in the town are already under strain and some school children have to travel out of town.
 - Local schools are oversubscribed.
 - Doctor's surgeries and dentists are oversubscribed.

- Sewage works are already unable to cope.

10. APPRAISAL

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

- A Principle of Development
- B Loss of Agricultural Land
- C Highways
- D Visual Impact
- E Ecology & Landscaping
- F Infrastructure Provision to support the development
- G Amenity
- H Other Material Considerations

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

A Principle of Development

- 10.1 The application site comprises 4.47 hectares of land and is located within the open countryside on the northern edge of Saffron Walden. The site is outside the development limits of Saffron Walden as defined by the Proposals Map 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.
- 10.2 The Council's Review of the adopted policies of the Local Plan found Policy S7 to be partly consistent with the NPPF but that while the NPPF takes a positive approach, rather than a protective, Policy S7 is still compatible with the aims of the NPPF in protecting the countryside. A recent Secretary of State appeal decision endorsed this finding and attached significant weight to this. Policy S7 therefore remains relevant to the consideration of this application.
- 10.3 Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 10.4 The applicants refer to the Council's claim of having a 5.4 year supply of housing against the requirement of 568 dwellings per annum (dpa). The applicants argue that this OAN, contained in the West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA 2015), significantly underestimates the actual requirement. Furthermore, this has been acknowledged by the Council which is now considering raising its requirement to 640 dpa in the light of an update to its SHMA following the publication of the 2014 sub-national population projections. As a consequence, Gladman does not consider that the Council can presently demonstrate a deliverable five year supply of housing sites. Accordingly, the applicants argue that relevant policies for the supply of housing are out of date in accordance with paragraph 49 of the NPPF.

- 10.5 The housing requirement for the purposes of calculating 5 year supply remains 568dpa as set out in the SHMA 2015. Various studies have been done since the publication of the SHMA which update the figures taking account of various factors, including the 2014 population projections. However, the SHMA itself has not been updated and the figure of 640dpa referred to by the applicants does not represent a comprehensive update of the SHMA but has allowed the Council to test a higher figure for the purposes of its emerging Local Plan. The Council has not accepted 640dpa as its OAN and all calculations for the purposes of 5 year supply continue to be assessed against the SHMA housing requirement of 568 dpa.
- 10.6 The Council's Housing Trajectory and 5 Year Land Supply Statement published in November 2015 represents the most up to date published assessment of the Council's 5 year supply and demonstrated that the Council had a 5.4 year supply of housing land. That assessment was based on data at April 2015 and is now somewhat dated. The Council did not publish an assessment of 5 year housing supply in April 2016 although initial work was carried out and reported to the Planning Policy Working Group in June 2016 indicating that the Council could demonstrate a 5 year supply but with a slight shortfall. Since that time, the Council has been involved in a Public Inquiry for development at Felsted and evidence emerged that some of the larger sites which the Council was relying on in its April 2015 trajectory, had either not been started or had not been built as quickly as anticipated. As a consequence, the supply was adjusted at the Public Inquiry in an attempt to reflect this situation.
- 10.7 However, adjusting the supply on this basis and not adjusting other aspects of supply, created other inaccuracies and the final position on 5 year supply at that inquiry was not considered by the Council to be an accurate representation of the present position. The Council has therefore reviewed the draft figures which formed the basis of the calculations provided to the PPWG in June 2016 and has firmed them up so that they can be published and provide a more accurate assessment of supply. These figures have also been adjusted to take account of the lack of delivery on some of the sites as agreed at the Felsted inquiry. The Council has therefore now produced a short interim document which sets out a more accurate assessment of the situation at April 2016 and allows a calculation to be made of the Council's 5 Year Supply of Housing land as at April 2016. This document will be superseded as soon as the Council finalises its work and publishes the April 2017 Housing Trajectory and 5 Year Land Supply.
- 10.8 Calculations based on the interim 2016 Housing Trajectory suggest that the Council is able to demonstrate only a 4.5 year supply of housing land as at April 2016 based on its housing requirement of 568 dpa and applying a 5% buffer. The Council has applied a windfall allowance of 50 dpa to the trajectory. A recent report to PPWG advises that, based on evidence, this should be increased to 70dpa and this will be included within the April 2017 housing supply assessment. Whilst there is an argument that this could be added to the April 2016 assessment, and would increase the Council's supply, it is considered that the revised figures will still show a shortfall and will not demonstrate a 5 year supply of housing land.
- 10.9 For the present time, the Council is therefore unable to demonstrate a deliverable 5 year supply of housing land and Paragraph 49 of the NPPF is applicable which states that policies contained in the Local Plan that are relevant to the supply of housing cannot be considered to be up to date.

- 10.10 Paragraph 14 of the NPPF requires development that is regarded as being sustainable to be granted. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.

It is therefore necessary to assess whether the application proposal is sustainable and presumption in favour is engaged.

B Loss of Agricultural Land

- 10.11 Paragraph 112 of The Framework states that *“local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”*.
- 10.12 Annex 2 of The Framework defines *“best and most versatile agricultural land”* as *“land in grades 1, 2, and 3a of the Agricultural Land Classification”*.
- 10.13 Policy ENV5 states that where agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.
- 10.14 Most of the agricultural land within Uttlesford District is classified as best and most versatile land. Indeed, most of the sites that are being identified for development within the emerging Local Plan are on such land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of brownfield land within the district is very restricted. Virtually all the agricultural land within the district is classified as Grade 2 or 3 with some small areas of Grade 1.
- 10.15 The application site is currently in agricultural use and in countryside and the development would result in the loss of agricultural land. The site comprises part of an agricultural field that extends to the east. The applicants have provided no analysis of the soil type but have referred to the SHLAA which records the site as Grade 2 and that it therefore falls within the BMV designation.
- 10.16 There are no defined thresholds for assess the effects of non-agricultural development on agricultural land. One measure that could be considered as a threshold is that local authorities should consult Natural England where proposed developments would lead to the loss of 20 hectares or more of BMV agricultural land.
- 10.17 It could therefore be logical to conclude that BMV land which is less than 20 hectares is unlikely to be considered “significant development of agricultural land as in context with the guidance set out in paragraph 12 of The Framework.
- 10.18 As the site for development is approximately 4.5 hectares in size and although it is defined as “best and most versatile” agricultural land, it is considered that the proposed development would not result in disproportionate loss of BMV land and a reason for refusal on loss of agricultural land could not be justified.

C Highways

- 10.19 A Development Framework Plan has been submitted with the application and retains the previous access arrangements proposed with the first application and which were agreed by the Local Highway Authority. The application proposes that the access to the site should be via a single priority controlled junction located on Little Walden Road. The access point is located approximately midway along the site frontage, about 80m north of the nearest property, No 108 Little Walden Road. The access is proposed with a 5.5m wide carriageway, 2 x 2m footways and 6m corner radii. A footway is proposed along the site frontage to the south of the access to allow pedestrians to connect from the site to Little Walden Road. In addition to the footways being provided adjacent to the proposed access road, a pedestrian/cycle connection is also shown to the south of the site and would link the development to St Mary's View .
- 10.20 It is also proposed to provide a pedestrian island in the location of the existing island on Little Walden Road which would form part of a 'gateway' feature for the speed limit change. This would be of sufficient width to safely house pedestrians with tactile paved dropped kerbs provided on both sides of the carriageway and tactile paving flush with the carriageway on the central island.
- 10.21 The applicants refer to the IHT Document 'Guidelines for Providing for Journeys on Foot' (2000) which suggests that acceptable walking distances for commuting, walking to school and recreation is 1000m and appropriate walking times is 12.5 minutes and that for other non-commuter journeys the distance is 800m and 10 minutes walking. The document suggests that respective distances of 2km and 25minutes walking time and 1.2km and 15 minutes walking time can be 'considered'.
- 10.22 The applicants have measured the walking and cycling distances to facilities in the town and show that most facilities are over 1km from the site and that most are between 1.2 to 25km from the site representing between 18 minute walk (e.g. Waitrose) to 33 minutes' walk (e.g. Saffron Walden County High School). St Mary's C of E Primary School is the closest facility listed at 1km (14 minutes' walk).
- 10.23 The applicants have argued that the site is well located in terms of walking and cycling accessibility and that whilst a small number of services and amenities fall outside the IHT 25 minute walk time, many can be accessed by walking an additional 5 minutes or alternatively by cycling. Residents have challenged these distances claiming that the applicant's distances are underestimated and that none of the facilities are within acceptable walking distances.
- 10.24 Bus accessibility for this part of Saffron Walden is limited. The nearest bus stop is 450m away and provides only a limited service. The more frequent No 34 hourly service operated from the bus stop some 500m to the south of the site but the Highway Authority has confirmed that this has ceased and the tender for this service has not been renewed.
- 10.25 The previous application was refused on highway grounds on the basis that the road which connects the proposed access to the town centre and on to key destinations is considered to have insufficient capacity to cater for the proposed traffic generated by the proposal. The Highway Authority considered that the residual cumulative impact of the development in this location was severe and that the previous application did not provide sufficient mitigation to address this. The Highway Authority raised no objections to the proposed access arrangements either for the first or this application.

- 10.26 The applicants have provided revised information on trip generation with the current application and the impact on the surrounding roads and have been in discussions with the Local Highway Authority. The applicants have advised that they have assessed the impact of the predicted increase in weekday peak hour vehicle traffic on the operation of the local highway network within a study area agreed with ECC, considering a future years of 2022 and taking into account of projected background growth and local committed developments.
- 10.27 The applicants argue that whilst the local highway network can experience congestion during peak periods and traffic surveys confirmed that only three of the junctions are shown to be close to or at theoretical capacity. The traffic impact of the proposed development is only 3.7% at the closest junction in the worst case scenario and the impact decreases to less than 0.5% at the junction farthest away from the proposed development within the study area. Such slight increases in traffic forecast at local junctions are not considered to have a material impact on the operation of the local highway network. Junction modelling also showed minimal increases in queues at junctions within the study area.
- 10.28 The applicants therefore consider that the traffic impact of the proposed development is well below the levels set out in 1994 Guidelines for Traffic Impact Assessment published by the Institution of Highways and Transportation (IHT) of between 5% and 10% daily traffic variation thresholds.
- 10.29 It is noted that the Town Council has continued to object to the proposal on highway grounds and has identified issues with the Transport Assessment. The impact on the road network to the south of the site as traffic seeks to cross the town is one of the main concerns of the representations from the Town Council and existing residents.
- 10.30 It is understood that the revised proposals relating to the access geometry and provision of a footpath and pedestrian island is now acceptable to the Highway Authority which considers that a safe and suitable access can be achieved.
- 10.31 The Highway Authority now also considers that the impact upon the junctions to the south of the site is acceptable. The Authority advises that the assessment of the application and transport assessment was undertaken with reference to the National Planning Policy Framework 2012 and in particular paragraph 32, with reference to matters of access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.
- 10.32 Although this application is a duplicate of the previous application UTT-16-2010, the supporting highways evidence has been revised and a number of different assumptions have been made concerning the impact of the development on the highway network. In demonstrating the reduced impact on the network the following criteria have been changed:
- The trip rates have been reduced, based on evidence from traffic counts at adjacent estates
 - The distribution of trips on the network has been changed to put more traffic going north from the site and thus avoiding the town centre. This is based on evidence from the census data and Google maps journey times.
 - The network has been looked at in detail and the profile of traffic through the junctions during the peak hour was replicated in the modelling showing

that there is a smooth rather than peaked profile at most junctions

- 10.33 The data from these three exercises has been used to inform the modelling of the impact of the development on a number of key junctions in Saffron Walden.
- 10.34 The Highway Authority has advised that the new data has been carefully considered and although the trip rates used are lower than that in the original application, using data traffic counts at similar developments can be acceptable to determine trip rates, and in this case they have been looked at in relation to the TRICS database, ensuring that a reasonable forecast is made.
- 10.35 It is thought reasonable that 18% of work related peak traffic will go northward based on census data and fact that the journey times to Cambridge are roughly equivalent to using the route through the town centre. This is especially the case if the junctions to the south are congested when it is likely that conditions on the future network could impact on future driver behaviour.
- 10.36 In looking at the way traffic behaves on the ground it has been possible for the consultant to refine traffic models to reflect with more accuracy the likely impact of the development.
- 10.37 While there is no doubt that a number of junctions within Saffron Walden are at or approaching capacity, the transport assessment demonstrates that the impact on the majority of junctions is likely to be less than 2%. Of particular concern is the Ashdon Road junction. The maximum impact on this is 1.9% (36 trips) in the am peak or 2% (35 trips) in the pm. Even with a higher distribution of trips to the south (90%) the impact is still only 2.1% in the am and 2.2% in the pm. It is very difficult to argue that this level of impact is severe as the growth in queue lengths above the committed development is minimal.
- 10.38 The modelling of the Church Street junction with the B184 shows that it is currently at capacity with significant queuing in the nearside lane. While the modelling previously undertaken showed that the queue would increase beyond the length of Church Street with the addition of growth and committed development, it is generally understood that modelling can become unstable when the capacity is exceeded as in this case. Some work has been undertaken by the applicant to cast doubt on whether the queue will regularly exceed the length of Church Street and impact the Ashdon Road mini roundabout junction. In any event the development is forecast to put only 11 cars on Church Street in the am peak which is again a minimal impact.
- 10.39 A transport strategy was produced by ECC in 2013 and a Cycle Strategy in 2014 which showed a raft of measures that would help to reduce congestion and increase the accessibility of the town centre. A contribution to help deliver these strategies is required to help to mitigate the impact of the development.
- 10.40 It is noted that the opportunity for using sustainable transport instead of the car is limited as the nearest bus stop with a daily weekday service is 1.27km away. This should be considered by the planning authority within the general sustainability of the site along with the fact the majority of journeys will impact on the Air Quality Management Area in the town centre.
- 10.41 In summary from an assessment of the evidence put forward by the applicant in the transport assessment, in conjunction with the mitigation outlined below, the Highway Authority concludes that it will be difficult to prove that in highway terms

the residual, cumulative impact of the development is severe. As a consequence the Highway Authority now recommends approval subject to conditions and the requirement of contributions towards the Transport Strategy which would need to be secured through a Section 106 Agreement.

- 10.42 The site is removed by some distance from most of the everyday services and facilities that residents will need and beyond both the acceptable and considered distances for walking. Whilst most facilities are within cycling distance, there are concerns by third parties regarding speed along Little Walden Road and the need to cross the junctions which are currently already at capacity to be able to access the town centre.
- 10.43 The site is not dissimilar to other development in Saffron Walden where walking and cycling distances to facilities such as the town centre are similar and are only marginally greater than for the existing residents along St Marys View and Little Walden Road. There is clearly a concern that such distances and the lack of any regular bus service will lead to a possible greater level of use of the motor car. However, in the light of the Highway Authority's conclusions and recommendation of approval it is considered that it will be difficult to sustain an objection on highway grounds for the current application and indeed for the appeal proposal. In the light of the above the proposal is deemed to be acceptable in highway terms and therefore in accordance with Policy GEN1 of the Uttlesford Local Plan and the NPPF. The application is in outline and it is considered that the development is capable of providing adequate on plot car parking in compliance with Policy GEN8.

D Visual Impact

- 10.44 The application site is located on the northern side of Saffron Walden on sloping land that rises up from the road. There is no defined boundary on the eastern side of the site but the eastern edge continues the line of the existing vegetation that forms part of the Limefields to the south. The application is for outline planning permission and only the details of the access are to be approved at this stage. The revised Development Framework plan has been submitted to show how the development could be accommodated and shows that the eastern edge of development would sit part way up the slope and extend slightly further eastwards than the dwellings in St Mary's View. Those properties are not visible from the road being screened by the existing vegetation that extends along their northern boundary and which is proposed as open space in the Development Framework. The Landscape and Visual Appraisal (LVA) states that the site has a fall of some 10m from east to west with the south-eastern corner more steeply sloping and the Design and Access Statement confirms that the development will be mostly 2 storeys with some 2.5 storey dwellings included which would have a maximum ridge height of 10.5m.
- 10.45 The site is largely screened from views to the north by the belt of woodland along its northern boundary. The hedgerow along part of the road frontage also assists in screening the site from views from the road. However, the site is more prominent from the relatively short section of road to the south where there is no hedgerow and also in winter views. The eastern part of the site is also visible in varying degrees to views from sections of the public footpaths across the valley along Westley Lane and Catons Lane although trees and vegetation along Little Walden Road and The Slade help to filter views and provide partial screening, particularly of the western part of the application site. Similarly, there are partial views of the site from sections of footpaths to the east of the site along Westley

Lane, Byrd's Farm Lane and the bridleway no44.53. Again these views are mostly partial views with existing vegetation and landforms restricting many of the views of the site.

- 10.46 The refusal of the first application included a reason for refusal on the grounds that the development would be visually intrusive and would have a harmful effect upon the character and appearance of this area of the countryside. The applicants have resubmitted their revised Landscape and Visual Appraisal with the current application which considers the impact of the development from a wider range of viewpoints and also includes a number of photomontages to show how the development would be accommodated within the landscape over time. They have also amended the Development Framework to reduce the area of built form proposed in the site and provide a larger expanse of green infrastructure than was originally proposed in the first application.
- 10.47 The LVA confirms that the site is not subject to any landscape designation and that it is located within the Cam Valley Landscape Character Area (Essex Landscape Character Assessment 2013) where the landscape has a medium sensitivity to small urban extensions of less than 5ha. The site also lies within the Landscape Character Area (LCA) A1 Cam River Valley within the Uttlesford Landscape Character Assessment (2006) where the area is described as having a relatively high sensitivity to change and that the open skyline of the valley slopes is visually sensitive with new development being potentially highly visible within panoramic inter and cross-valley views.
- 10.48 The LVA confirms that the site will contain 1.97 ha of land dedicated to landscape, Green Infrastructure, public open space, play and habitat related proposals – representing 44% of the total site area. The development would include such measures as setting the development back from the boundaries to allow for the retention of existing trees and hedgerows with new planting being proposed to offset areas where landscaping has to be removed eg. to facilitate the access; the eastern boundary would be landscaped with a buffer which is shown on the Development Framework to be some 15m in width.
- 10.49 The LVA provides an assessment of the visual impacts of the development from a number of public view points including the public footpaths to the east of the site (Byrds Farm Lane) and to the west across the valley (Catons Lane) and also from further afield including the Harcamlow Way.
- 10.50 In terms of the views from the Public Rights of Way, the LVA concludes that the development will be visible to varying degrees from a number of them. Views of the proposed built development would be possible from the northern section of Byrd's Farm Lane - Public Right of Way 44.2 but those views further to the south would be generally screened by the largely continuous belt of vegetation along Public Right of Way 44.2 and intervening landform. The LVA considers that the proposed landscape buffer along the eastern boundary would effectively filter and screen views of new housing in the medium term and that the bank and vegetation to the south-east of the site which is proposed to be heavy and extra heavy standard tree planting, would provide a degree of screening and containment at completion. Lower density development along the eastern edge also provides more scope for on plot planting and a softer, more irregular edge.
- 10.51 There may be glimpsed views from the Harcamlow Way (44.1), which extends along higher ground but these are long distance views in which housing would be seen in the context of extensive residential development within the town.

- 10.52 The LVA considers that views of new housing from the PROWs (44.11 and 44.10) on the opposite side of the valley to the west of The Slade along Westley Lane and Catons Lane would be filtered and screened to varying degrees by intervening vegetation. It states that Viewpoints 10 and 11 illustrate how the site is visible in conjunction with the spire of St Mary's Church but also demonstrate that vegetation along the valley floor and site boundaries would provide a degree of enclosure and containment. This would be reinforced by new planting within proposed areas of public open space. Whilst it is not possible to screen new housing with tree planting due to rising topography, the proposed green infrastructure would soften views in the medium term to a degree and help to integrate the development within its wider landscape setting as shown on the photomontages.
- 10.53 The LVA concludes that once the proposed landscape buffers have had the opportunity to establish, there would be no greater than a moderate adverse effect where views are possible from relatively close proximity to the site declining to be negligible where views are more distant.
- 10.54 In terms of views from Little Walden Road, the LVA accepts that it will be necessary to remove sections of the existing hedgerow to allow for the access and visibility splays but the applicants argue that development would be set back to allow for a new hedgerow and tree planting to be established along the road frontage and create soft and attractive edge to the settlement. Views would only be possible where the road passes directly adjacent to the site with views further along the road to the north screened by the existing tree belt. This would help to protect existing views towards the spire of St Mary's Church as shown at Viewpoint 3. The overall visual effects for users of this road would be minor adverse in the medium term.
- 10.55 Residents against Unsustainable Development (RAUD) have continued to challenge the methodology and the conclusions of the LVA and consider that it contains selective use of viewpoints and therefore photographic evidence and the resulting assessments of impact. The residents consider that their photographs are more representative, that the landscape is of high value and that the development is unsustainable because of its visual impacts.
- 10.56 The submitted material submitted by both the applicants and RAUD highlight the fact that the application site is visible from public footpaths but it is clear that its prominence from those footpaths varies, depending upon a variety of factors including topography, location and the presence or otherwise of existing vegetation. As a consequence, the site is not visible to wider long distance views, but is more prominent within the shorter distance views in this part of the river valley. The existing scrub and trees on the southern part of the site to the north of St Mary's View provide a buffer between the site and the existing urban edge of the town and this would be retained as part of the green infrastructure of the site. There is no development along this section of Little Walden Road to the west and the site would clearly form an extension of Saffron Walden into open countryside.
- 10.57 The PROWs to the west of Little Walden Road provide relatively clear views of the southern and eastern sections of the site, but depending upon the location of the receptor, they also show the site against the background of existing development in Saffron Walden. Other parts clearly show the site against the rural backdrop. Whilst intervening vegetation may break up some of these views,

they do not screen the whole site and additional planting along the road frontage will not overcome the issues of visual intrusion from certain viewpoints within this area of open countryside. The proposals involve the development of part of the existing field and the Development Framework, the LVA and the Design and Access statement highlight the fact that development would not extend up the full extent of the slope. Development would therefore sit below the brow of the slope and planting within the site will serve to help break up the impact of the buildings. The formation of a landscaped buffer along the eastern boundary would also serve to define the limits of the site and also serve to soften the development when seen from the public footpaths to the east and north. The photomontages shows that the landscape buffer would assist in filtering these views and suggest that once established the landscaping will have a similar screening effect as the existing trees along the northern boundary of the site.

- 10.58 Both the Essex Landscape Character Assessment and the Uttlesford Landscape Character Assessment (2006) identify the Cam Valley as being sensitive to change with the more local Uttlesford assessment considering that this area has a relatively high sensitivity to change and that the open skyline of the valley slopes is visually sensitive with new development being potentially highly visible within panoramic inter and cross-valley views. A key requirement therefore is to ensure that development does not extend above the brow of the hill and therefore interrupt the open skyline. Although the LVA concludes that the development will have no more than a minor adverse effect upon completion, reducing to a negligible-minor adverse impact after the landscaping has established over a 10 year period, it is considered that the visual impact of development will change the character and visual perception of the area and that the landscaping proposed will not overcome many of these concerns.
- 10.59 The character of the immediate area will change considerably as a result of the new access proposals. Conflicting information has been submitted regarding the extent of the hedgerow and this is discussed below in more detail under the ecology implications. The revised access plan shows that visibility splays would cut into the hedgerow and that a substantial section would need to be removed but these details do not suggest that all the hedgerow would need to be removed as part of the splays fall within the highway verge. At present however, much of the length of the hedge has grown so that it extends up to the white lines along the metaled part of the highway and it is considered that it will need considerable pruning for much of its length. The access plan also shows that a 2m wide footpath would be constructed along the site frontage to the south of the access and is shown within highway land. A substantial section of this length has no hedgerow at present and will benefit by the new proposed planting along the back edge of the footpath which will help to screen the development. However, the remaining section of hedgerow to the south of the access is likely to require removal and does contribute to the rural setting of the site and the approach into Saffron Walden. The loss of the hedgerow will change the character of this section of road and even with the replacement hedging proposed, the approach into Saffron Walden will appear more urban from an earlier stage. The access will open up the site to views and combined with the provision of a footpath and street lighting, will urbanise this section of road and will be visually harmful to the rural approach into the town.
- 10.60 The applicants have considered the effects of lighting within the LVA but largely in respect of the site itself. They have indicated that tree cover along the site boundaries and in the immediate vicinity of the site would minimise any lighting effects. New lighting would be designed to modern standards with good cut off to

minimise light spill to the night sky. Whilst new lighting can be designed to minimise light spill as much as possible it does not remove it entirely and the new development will be visually prominent at night time.

10.61 Some street lighting is already in place along this road but stops at the cross over and the current 30mph speed signs. The development will extend the street lighting and therefore the urban edge of Saffron Walden by a further 60/70m northwards long Little Walden Road and will change the overall character of this stretch of road.

10.62 The proposals generally will change the character of this area and will extend the northern boundary of Saffron Walden into this rural area, thereby leading to its urbanisation. It is recognised that the development will be visually prominent from some views from the west and it is unlikely that these can be totally screened even with the provision of extensive landscaping because of the sloping lie of the land. It is considered that the additional impacts of light spillage, including car headlights and domestic lighting will totally change the character of this area and that the development is contrary to Policy GEN2 of the Local Plan.

E Ecology & Landscaping

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

Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.

10.64 Paragraph 98 of Circular 06/05 states 'that presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would likely to result in harm to the species or its habitat'. Furthermore, the NPPF states that 'the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible'.

10.65 The application site itself is not subject of any statutory nature conservation designation being largely an open field with mature trees and hedgerows around its edges. There are no internationally designated sites within 15km of the site boundary and no SSSIs within the 2km search area. The non-statutory sites of Westley Wood, Grimsditch Wood and Little Grimsditch Wood, are located more than 540m from the site. The applicants consider it highly unlikely that increased pressure upon these sites would arise from the proposed development due to the intervening distance. The application site does however lie adjacent to the locally designated Limefield Pit a PLGS (primarily designated for geology) which is located to the south of the site and to the east of the houses on St Mary's View. Much of the site is fenced off and access is limited. The site is not considered to be a constraint to development but good practice is recommended when working in /around these areas, with as much grassland as possible to be retained and replacement grassland throughout the rest of the landscape scheme.

10.66 The first application was refused on the grounds that it failed to address adequately the potential impacts of the proposed development in respect of protected species and upon wildlife generally in the area. Concerns related to the fact that although the initial habitat and species surveys identified the presence of

protected species, including bats, the surveys and information did not establish the extent to which these species were present within the site. The surveys identified that the hedgerows, woodland, trees and dense scrub within the site and around its edges provide foraging and commuting opportunities for bats. The species recorded comprised common pipistrelle, soprano pipistrelle and the comparatively rare Barbastelle. The surveys also identified the presence of common lizards in the grassland to the south and some, but limited, activity from badgers. No Dormice or Great Crested Newts were found and no mitigation is therefore considered to be necessary for these species.

- 10.67 The County Ecologist objected to the proposals due to the unknown losses of connective bat habitat, particularly Barbastelle bat, insufficient justification for removal of connective habitat and removal of semi-improved grassland which could be part of a Local Wildlife Site, without adequate justification and insufficient information to determine the adequacy of mitigation.
- 10.68 The revised application provides more information on the Barbastelle bats following extensive surveys. Monthly activity surveys have been completed identifying a small number of Barbastelle registrations. The applicants have advised that these bats are likely to use the site as an occasional commuting and foraging route and as such are not considered a constraint to the development.
- 10.69 The application is accompanied by a revised Development Framework which has reduced the overall area for built developed and increased the area shown for green infrastructure, including landscaping and Public Open Space. The area to the north of St Mary's View is now to be retained as a nature park and the play area, formerly shown in this location is moved further north into the main body of the development site. A continuous area of green infrastructure now surrounds the site with a break only for the main access into the site and is designed to strengthen habitat linkages with the surroundings and increase foraging potential.
- 10.70 The County Ecologists have confirmed that they welcome the amended proposals to the scheme to improve connectivity around the perimeters of the site; to retain most of the existing habitat and to create a nature reserve/ nature park. This will help to mitigate for protected species, particularly bats and further mitigation for bats is proposed.
- 10.71 There remain concerns about the significant loss of the hedgerow along the western boundary of the site to facilitate the access and sight lines as it will restrict bat movement, particularly as the record of the Barbastelle bat (Annex II species¹) means this is an 'Important Hedgerow' under the Hedgerow Regulations. As the connection for bats would be severed by the access road and the junction and would be wide and well-lit, it would no longer function effectively as a bat access route. A new hedgerow on the opposite side of the site along its eastern boundary is proposed in the Revised Ecological Appraisal, as well as tree planting near to the main junction to partly compensate for its loss.
- 10.72 The County Ecologist suggests that additional mitigation is therefore required in order to help ensure continuing connectivity and provide adequate mitigation. This mitigation should include the provision of a bat hop-over within the internal green link corridor, increased tree planting to provide a partial hop-over at an appropriate point along H1 to enable bat movement to the other side of Little Walden Road, improving connectivity with the Slade, the protection of all boundaries during construction and the establishment of the new eastern hedgerow before the hedgerow for the new access is removed and sympathetic

lighting within the development. These measures can be secured by condition.

10.73 Residents have challenged some of the proposals including the actual length of hedgerow that would have to be removed to facilitate access. They claim that more than the 80m suggested by the applicants would need to be removed as the sight lines required for the development are in excess 80m. Further, that the applicant's proposal for a 200m hedgerow along the eastern boundary is inaccurate.

10.74 The access proposals are set out in detail in the revised access plan (17-T019 02a) which has removed the proposed footpath to the north of the new access. The new access sight lines will only require the removal of a small portion of the hedgerow to the north of the access to achieve adequate visibility although the hedgerow is likely to need to be trimmed. The sight lines in that direction largely utilise the highway verge. There will be a loss of some 70m from the section of hedgerow to the south of the proposed access and it seems likely therefore that the total loss of hedgerow may be more in the region of 90m rather than the 80m suggested by the applicants. This is nowhere near the amount suggested by third parties who appear to have assumed that the full lengths of both site lines will necessitate removal of the hedgerow. With regard to the new hedgerow along the eastern boundary, this will be approximately 100m but it is not considered that the distances are material to the overall acceptability or otherwise of the proposal bearing in mind the County Ecologist's requirement for mitigation measures to be secured by condition.

10.75 The development as now proposed addresses the concerns of the County Ecologist and therefore the original reason for refusal. Although the application is in outline and the submitted Development Framework is largely illustrative, it follows the recommendations of the submitted Ecology Appraisal and conditions can be attached to require that development adheres to the general principles set out in the Development Framework. There are no outstanding concerns on ecology grounds that would warrant refusal of the revised proposals and which cannot be addressed through the imposition of conditions and it is considered that the proposals now comply with Policy ENV7 of the Local Plan and advice in the National Planning Policy Framework.

F Infrastructure Provision to support the development

10.76 ECC Education anticipates that the proposed development would generate a requirement for up to need for up to 8 Early Years and Childcare (EY&C) places; 26 primary school, and 17 secondary school places.

10.77 According to the Essex County Council, the proposed development is located within the Saffron Walden Castle Ward where there is one sessional pre-school in the area. At the present time, two unfilled places were recorded at the pre-school and therefore ECC Education consider that additional provisions will therefore be needed and an additional 7.65 places would be provided at an estimated total cost of £106,565 at April 2016 prices.

10.78 In terms of primary school places, the proposed development is located within the Uttlesford Primary Group 2 (Saffron Walden) Forecast Planning Group set out in Essex County Council's document 'Commissioning School Places in Essex'. This forecast planning group is forecast to have a deficit of 102 places. Essex County Council's '10 Year Plan' for meeting demand for school places proposes a one form entry bulge class for the area and work is underway to look at expanding

permanent accommodation at RA Butler Infant and Junior Schools. Based on the demand generated by this proposal set out above, a developer contribution of £311,559, index linked to April 2016, is sought to mitigate its impact on local primary school provision.

- 10.79 With regards to secondary education needs, the proposed development is located within the priority admissions area of Saffron Walden County High School which is, for the purposes of forecasting part of the Uttlesford Group 2 (Newport/Saffron Walden) Secondary Group. The school is full and 2020 the school is forecast to have a deficit of 138 places. Positive discussions have taken place with the school about expanding and this project could be taken forward with developer funding. Based on the demand generated by this proposal set out above, a developer contribution of £315,537, index linked to April 2016, is sought to mitigate its impact on local secondary school provision.
- 10.80 NHS Property Services were consulted on both the first and this application but have not responded and have not required any contribution. As a result, no contribution would be required as a result of this development.
- 10.81 The applicants have indicated that they will be prepared to enter into constructive dialogue with the District Council to agree obligations for any necessary and reasonable on and off site provisions that are related in scale and kind to the proposed development and which meets the tests set out in the Community Infrastructure Levy Regulations 2010. General discussion has taken place with regard to the appeal proposal and the requirement for a S106 for that application. It is therefore likely that a Section 106 will be in place for the appeal proposal and therefore adequate mitigation is capable of being provided. As such the development is capable of complying with Local Plan Policy GEN6 and the NPPF.

G Amenity

- 10.82 In terms of the amenity of existing and future residents, it is considered that adequate amenity can be provided for future residents and would be a consideration at the reserved matters stage. The existing residents at St Mary's View would be largely separated from the new housing by the intervening area of the proposed nature park. As a consequence, there would be no issues of overlooking or overshadowing. Furthermore, whilst pedestrian/cycle links are shown through St Mary's View, no vehicular access would be provided and residents would not experience increased levels of traffic.
- 10.83 The development will also extend along the rear gardens of the existing properties along Little Walden Road. These are predominantly bungalows and therefore there is some potential for overlooking and possible overshadowing particularly as the land rises to the east. The new dwellings would be on slightly higher ground and, as shown in the Design and Access Statement, would be two storeys. However, the properties on Little Walden Road have long gardens of some 25 to 30m which would afford adequate privacy in accordance with the Essex Design Guide. Existing trees within the application site also serve to screen these properties and it would be important for these trees and vegetation to be retained as much as possible and that appropriate levels of privacy are safeguarded at the reserved matters stage. It is therefore considered that appropriate levels of amenity can be provided for future residents and that the privacy and amenity of existing levels would not be adversely affected.

- 10.84 The application site also lies to the north of the Saffron Walden Air Quality Management Area (AQMA) and additional traffic entering the town centre as a result of the development will impact upon the AQMA. The applicants have submitted an Air Quality Assessment and have concluded that the development will not cause unacceptable harm from air pollution or a breach in national objectives. The effect on human health is not considered to be significant and the applicants advise that mitigation measures will not be required. However, the applicants confirm that it may be possible to further reduce the impact with the implementation of various mitigation strategies which could include such measures as EV recharging infrastructure, support for local walking and cycling initiatives, contribution to renewable fuel and energy generation projects, etc.
- 10.85 No Council's Environmental Health Officer's comments had been received at the time of writing this report. However, the EHO did comment on the previous application and confirmed that a worst case scenario had been modelled by keeping baseline (2015) background pollutant levels and vehicle emissions the same as in the opening year (2021), to reflect neither reducing as predicted by Detra. In this scenario, an increase of 2.45% of the nitrogen dioxide air quality objective level has been modelled at the top of the High Street, an outcome which equates to "slight adverse" due to annual mean levels being modelled as relatively high at this location. In this worst case scenario, levels have been modelled to remain within the air quality objectives, and in reality there is likely to be an improvement in vehicle emissions and background levels over the intervening 6 years. The impact on air quality at all other existing residential properties has been modelled to be negligible and consequently no mitigation has been proposed.
- 10.86 The impact of the development on air quality was therefore insufficient as a ground for refusal with the previous application and it is considered that the current application is no different, being for the same number of dwellings. In these circumstances, it is considered that there is no conflict with ULP Policy GEN2 (i) or ENV13.

H Other Material Considerations

- 10.87 The application site is located within Flood Zone 1 and a revised drainage strategy has been submitted by the applicants. The County Council as Lead Local Flood Authority EA has now confirmed that the Flood Risk Assessment as amended is acceptable and has withdrawn its objection subject to conditions being imposed on any planning permission. There is therefore no conflict with Policy ENV3 of the ULP.
- 10.88 The site is located within an MSA for High Purity Chalk; Cretaceous White Chalk Subgroup and a Minerals Resource Assessment has been submitted. The Assessment concludes that extraction of chalk underneath the site would not be feasible for the reasons set out in the report. The Minerals Authority has not commented on the current application but did confirm with the previous one that it had no objections to the application and therefore there is no conflict with Policy S8 of the Essex Minerals Local Plan 2014.
- 10.89 A Phase1 environmental report has been submitted and has concluded that the potential for contamination on the site is negligible. The Council's Environmental Health Officer previously confirmed that the findings were accepted but advised that the residential development beyond the southern boundary of the application site is on land historically used for chalk extraction and later as a private landfill.

This site was subject to building protection measures to address the risk from ground gases arising from the infill and underlying chalk strata. The risk of migration of gases affecting the application site remains low but the Environmental Health Officer considered that this should be further assessed by surveying at the stage of geotechnical intrusive sampling prior to development, when the presence of any other significant contamination on the land can be also be assessed and required conditions to be attached.

- 10.90 The site is not located adjacent to any listed buildings or close to any conservation area. The County Archaeologist has advised that the submitted heritage desk based assessment provides an accurate background to the known historic environment assets of the area. There is considerable evidence of prehistoric occupation of the valley slopes with a number of burial mounds and enclosures identified from aerial photography and this is likely to extend into the development area. The submitted document identifies these deposits but fails to understand that they potentially can extend into the development area. The County Archaeologist therefore recommends that conditions should be attached to any planning permission to secure a programme of trial trenching and open air excavation.

Conclusions

Paragraph 7 of the NPPF sets out the three dimensions of sustainable development as being economic, social and environmental and a key consideration therefore is whether the proposed application satisfies these three roles and can be regarded as sustainable. 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.

Economic Role: The application site is on the northern edge of Saffron Walden and would bring some economic benefits to the settlement of Saffron Walden, supporting local services and amenities as a result of the future occupiers of the development. In addition the proposal would provide some positive economic contribution during the construction process of the development and would contribute to the economic dimension of sustainability in the NPPF.

Social Role: The proposal would provide up to 85 dwellings with ancillary infrastructure and would provide 34 affordable dwellings, thereby contributing towards the delivery of housing needed in the district, including the provision of affordable dwellings. There are no facilities in the immediate vicinity and the applicants submitted Transport Assessment shows that most of the facilities that would be needed by future residents are mostly within the 1200m to 2000m from the site. Therefore residents would have to travel to access everyday needs and services. Whilst the development is located within cycling distance of most of the facilities and services contained in Saffron Walden, the site is not within preferred maximum distances for walking. However, other residents within the town, including those who live nearby, have similar distances to travel to facilities and it is therefore considered that while relatively remote, the site is still accessible to a range of facilities.

The application site is also on the opposite side of the town to the railway station and some distance to bus stops with the former hourly bus service now withdrawn so that there is no convenient public transport available for existing or

future residents. As a consequence, it is likely that most residents would have to use the motor car to access everyday facilities and services such as employment, shops and schools.

Environmental Role: the development would have some positive environmental impacts through increased planting contributing to the ecological diversity of the site and area. However, the application will involve the loss of countryside and will involve development which will be visually intrusive in particular, albeit limited, views. The applicants propose landscaping to help mitigate these impacts and whilst the development will fundamentally change the character and appearance of the area,.

It is considered that the proposals will not contribute to protecting and enhancing the natural or built environment. The development does not fulfil the three principles of sustainable development and cannot be regarded as sustainable development and that the presumption in favour of development is not engaged.

Benefits of the Proposal

The development provides benefits through the provision of both market and affordable housing. At the present time, the Council is unable to demonstrate a 5 year supply of housing land and this development will contribute to the Council's stock of market housing and would therefore assist in boosting the supply of housing in line with the requirements of the NPPF. It will also provide much needed affordable housing and as such, these aspects of the proposal should be given significant weight. It will also, in common with any housing development, generate economic benefits through the construction process and also from the spending power of residents.

Planning Balance

The presumption in favour of sustainable development, as set out in the NPPF, states that planning permission should not be granted when the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The proposals do not represent sustainable development and are considered to be contrary to the development plan.

Since the refusal of planning permission for the previous application, the applicants have submitted revised proposals which have now addressed the previous highway and ecology objections. Both the Local Highway Authority and the County Ecologist are satisfied that the development can proceed without unacceptable impacts provided that relevant planning conditions are attached to any permission and no longer object to the proposals. Furthermore, with the submission of the appeal for the previous application which is due to be heard at a Public Inquiry in July 2017, discussions are ongoing in an attempt to secure an appropriate S106 Agreement to address such matters as the provision of affordable housing, the education contribution and maintenance contributions for the open space and SUDs. The applicants have confirmed their willingness to enter into an appropriate Section 106 and therefore the fourth reason for refusal for the previous application is likely to be overcome.

The remaining issue is therefore the impact upon the countryside. It is accepted that the development will be located within the open countryside, and will result in visual intrusion. However, the site is relatively well contained being bounded to the north by the existing line of trees which restricts views of the site when

approaching from the north. The provision of landscaping within and around the site will soften the overall Impact of the development but will not be able to screen it entirely because of the rising nature of the site. There will continue to be views of the site and therefore of the new housing from sections of Catons Lane and Westley Lane to the west but development will not be seen above the brow of the hill and will not extend as far eastwards as other parts of the town but will be contained within the valley. It is accepted that views from the east and north-east will largely be screened over time with the proposed landscaped buffer along the site's eastern boundary. Little Walden Road will also change considerable but for a relatively short section of the road between the new access and the existing housing. These are all adverse impacts which count against the proposal.

However, the Council is unable to demonstrate a 5 year supply of housing land at the present time and therefore policies relevant to the supply of housing are deemed to be out of date. Policy S7 relates in part to the supply of housing but also relates to the protection of the countryside and weight can therefore be attached to its provisions. However, the weight to be attached to such policies is reduced due to the lack of a 5 year supply and it is considered that, in the overall planning balance, the benefits of the development of bringing forward much needed housing, including affordable housing, which will assist in boosting the supply of housing in the district are not significantly and demonstrably outweighed by the harm that would arise through development within this area of open countryside.

It is considered that the adverse impacts of this development are significantly and demonstrably outweighed by the benefits of the proposal and that planning permission should therefore be granted.

RECOMMENDATION – APPROVAL WITH CONDITIONS

The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 10 June 2017 the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Services, in which case he shall be authorised to conclude such an agreement to secure the following:

- (i) Provision of Affordable Housing with appropriate access to be provided at all times.
- (ii) Education Contribution
- (iii) Ensure adequate ongoing maintenance of SUDS System/details of onsite management of SUDs if to be retained in private ownership.
- (iv) Provision and maintenance of open space and LEAP.
- (v) Long term landscape and ecological plan
- (vi) Contributions to Highway Strategy
- (vii) Payment of monitoring fee
- (viii) Pay Councils reasonable costs

(II) In the event of such a variation to the extant obligation being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below:

(III) If the freehold owner shall fail to enter into such a variation of the extant obligation, the Assistant Director Planning shall be authorised to refuse permission in his discretion at

any time thereafter for the following reason:

- (i) Lack of Affordable Housing with appropriate access.
- (ii) Lack of Education Contribution
- (iii) Lack of adequate ongoing maintenance of SUDs.
- (iv) Lack of provision and maintenance of open space and LEAP
- (v) Lack of long term landscape and ecological plan
- (vi) Lack of contribution to Highway Strategy

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

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

2. A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

(B)The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

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

- 3 Development to adhere to the principles set out in the Development Framework Plan ref; 6825-L-03 rev J.

- 4 No dwelling shall be occupied until the proposed access on to B1052 (Little Walden Road) as shown in principle on drawing '17TD19-02a' to include a 5.5 metre carriageway, two 2 metre footways (within the site), and a minimum radius of 8m has been provided. The road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m metres by a 78m to the north and 89m to the south along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Uttlesford District Local Plan as Adopted 2005 and the National Planning Policy Framework..

- 5 No dwelling shall be occupied until a 2m wide footway has been provided on the B1052 (Little Walden Road) to link the footway on the proposed access and the existing footway to the south of the site, the existing island has been removed and a

new pedestrian crossing of Little Walden Road in the form of an island refuge (minimum of 1.5m in width) with associated drop kerbs, tactile paving has been provided to the south of the access (as shown in principle in drawing P16026-001B)

REASON: To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Uttlesford District Local Plan as Adopted 2005 and the National Planning Policy Framework.

- 6 No dwelling shall be occupied until a pedestrian/cycle link and access of minimum width 3m, onto St Mary's View as shown in principle on the development framework plan 6825-L-03-J, is built to adoptable standards, exact alignment to be agreed through a reserve matters application, and to be maintained in perpetuity thereafter.

REASON: to ensure the permeability of the site and in the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Uttlesford District Local Plan as Adopted 2005 and the National Planning Policy Framework.

- 7 Prior to the occupation of any dwelling, an electric vehicle charging point shall be provided within any associated garage.

REASON: To provide residents with access to more sustainable and less polluting forms of transport in accordance with DM9 of the Essex Development Management Policies (2011) and paragraph 35 of National Planning Policy Framework (2012) and in accordance with Policy GEN1 of the Uttlesford District Local Plan as Adopted 2005 and the National Planning Policy Framework .

- 8 No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- 9 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 Local Planning Authority. The details shall ensure the lighting throughout the site 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 District Local Plan as Adopted 2005 and the National Planning Policy Framework .

- 10 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

- Surface water discharge should be limited to 7.4l/s for all storm events up to and including the 1 in 100 year event plus climate change allowance of 40%
- Provide sufficient storage to ensure no off site flooding takes place as a result of the development for all storm events up to and including the greenfield 1 in 100 year event plus a climate change allowance of 40%.
- Provide treatment for all elements of the development in line with guidance in the CIRIA SuDs manual C753.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective operation of SuDS features over the lifetime of the development and provide mitigation of any environmental harm which may be caused to the local water environment.

- 11 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented. The scheme shall be implemented as approved.

REASON: The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

- 12
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 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 environmental advisors.

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

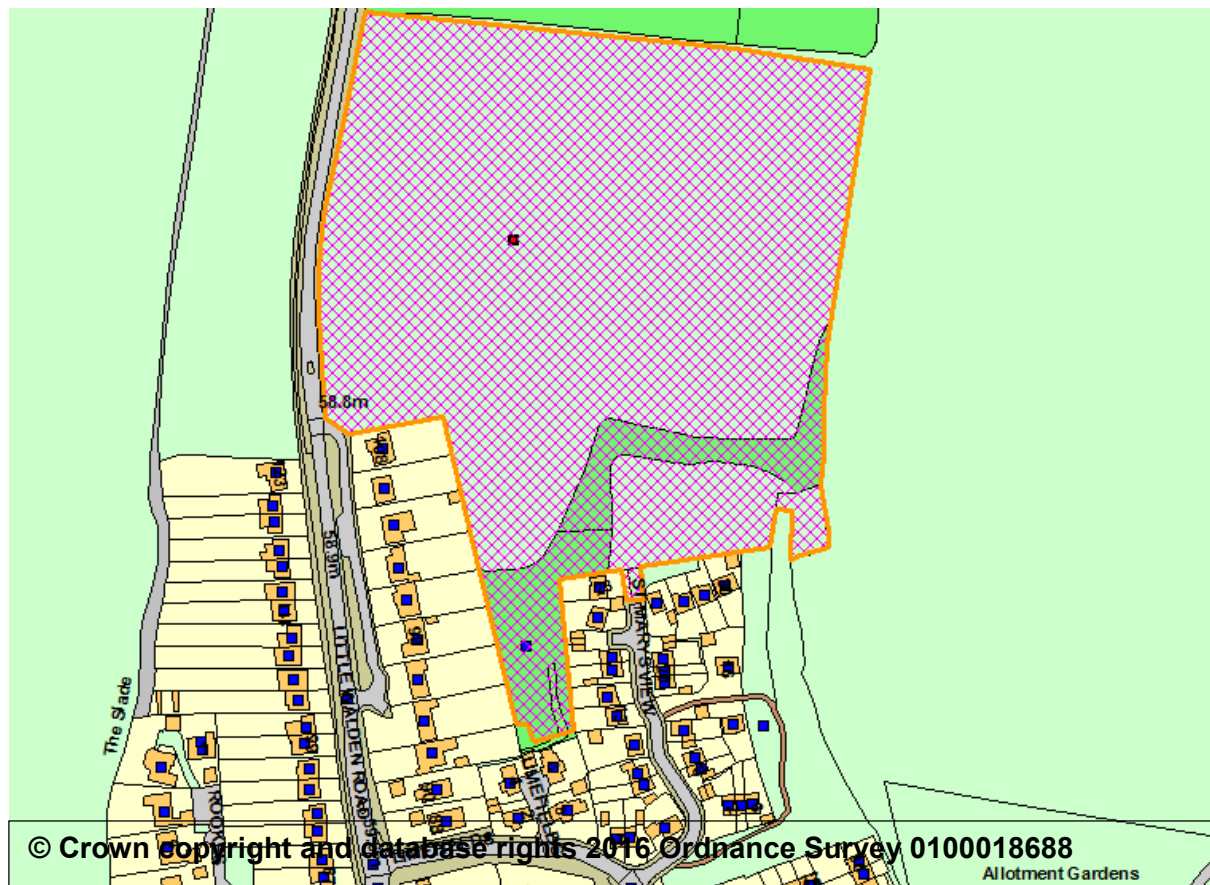
- 13 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

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

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

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

Application: UTT/17/0522/OP
Address: Land at Little Walden Road, Saffron Walden



Organisation: Uttlesford District Council

Department: Planning

Date: 26 April 2017

UTT/16/3255/FUL - (THAXTED)

MINOR

PROPOSAL: Residential development for the construction of 9 dwellings with associated parking and landscaping.

LOCATION: Little Maypole, Thaxted.

APPLICANT: Mr M Wellings

AGENT: Greenhayes Planning

EXPIRY DATE: 20th January 2017

CASE OFFICER: Lindsay Trevillian

1. NOTATION

1.1 Outside development limits,

2. DESCRIPTION OF SITE

2.1 The application site as outlined in red on the submitted location plan is located at the end of the cul-de-sac known as Little Maypole on the settlement edge of the town of Thaxted. The site itself is mainly rectangular in shape, has a slight slope that falls away from east to west and consists of approximately 0.32 of a hectare.

2.2 The site is currently vacant of any built form and is generally overgrown. There is little in the way of mature vegetation and it consists of a post and rail fence along its boundaries.

2.3 The site currently has a single gated vehicle access point off Little Maypole that is used to provide access for vehicles.

2.4 Residential dwelling units that consist of a variety of different building forms, sizes and scales are located to the east of the site that front onto Newbiggen Street and along the southern boundary of the site that front onto Clair Court. Large open fields used for agriculture are located to the north and west of the site. Playing fields consisting of sports pitches, clubrooms and a playground are located to the north east of the site.

3. PROPOSAL

3.1 The applicant seeks planning permission for the construction of 9 dwelling houses with associated parking and landscaping.

3.2 The dwellings would be arranged in three blocks of terrace style housing with each block containing 3 units. They would be set out in a linear formation running in a north south orientation centrally positioned within the middle of the site with the principle elevations facing Little Maypole. The form of the dwellings would be 2 storey with 6 of the 9 units having further living accommodation within the roof space. The maximum height of the dwellings would be 8.4m high to the ridgeline. The dwellings would be externally finished from an assorted use of materials and

detailing containing plain tile roofs, black weatherboard siding and local stock brickwork.

- 3.3 The proposed scheme would consist of 100% open market housing. No on site affordable housing or contribution is proposed as part of this scheme. The provision of the housing mix would be:

3 x 3 bedroom dwellings
6 x 4 bedroom dwellings

- 3.4 Each of these dwellings within the development would be provided with off street parking spaces and its own private amenity space.

4. APPLICANT'S CASE

- 4.1 Extensive pre-application meetings with the Local Planning Authority were held in which general advice was taken into consideration regarding the final design and layout of the application.

- 4.2 The applicant has provided a Design and Access Statement and a Planning Statement of Conformity in support of a planning application to illustrate the process that has led to the development proposal, and to explain and justify the proposal in a structured way. In addition further information in relation to technical issues such as ecological mitigation & enhancement strategy, surface water drainage strategy, transport statement and acoustic feasibility study to name just a few have also been submitted in support of the proposal.

- 4.3 The applicant considers that the proposed residential scheme would provide much needed family homes in a highly sustainable location that would not result in significant harm to the setting of the wider countryside. It is concluded that the proposal accords with policies contained within the Uttlesford District Council's Local Plan as well as the National Planning Policy Framework.

5. RELEVANT SITE HISTORY

- 5.1 DUN/0647/69 – Site for residential development (refused)

UTT/0302/09/FUL - Proposed erection of a Short Breaks Centre for up to 8 residents (approved with conditions).

- 5.2 It should be noted that the above planning permission has been implemented due the digging and filling of part of the foundations and thereby the permission is extant and still can be lawfully carried out.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford Local Plan (2005)

- Policy S7 – The Countryside
- Policy GEN1 – Access
- Policy GEN2 – Design

- Policy GEN3 – Flood Protection
- Policy GEN4 – Good Neighbourliness
- Policy GEN6 – Infrastructure Provision to Support Development
- Policy GEN7 – Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- Policy ENV2 – Development effecting listed buildings
- Policy ENV8 – Other Landscape Elements of Importance for Nature Conversation
- Policy H1 – Housing development
- Policy H9 – Affordable Housing
- Policy H10 – Housing Mix

6.3 **Supplementary Planning Policy**

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

7. **PARISH COUNCIL COMMENTS**

7.1 Thaxted Parish Council objects for the following reasons:

- The site sits outside of the development limits of the village as defined in the 2005 Adopted Local Plan, contra to Policy S7 relating to development in the countryside.
- The applicants claim that a material start on site was made in that a foundation trench was dug. The position of this trench however appears to be out of line with the consented drawings and as such would imply there was never any intention to implement the scheme as proposed. Considered on that basis the land can only be regarded as open countryside with a lapsed consent for development that was granted based on an 'exception', is not viable. The proposed use is private residential and cannot therefore be regarded as 'exceptional' in the context of countryside protection policies.
- The outline shown on the historic respite centre application ref UTT/14/1033/OP confirms that approximately a third of the site covered by the current application has no previous status, even if a material start had been made on the respite centre scheme. We would therefore reject on the basis of layout and density of buildings.
- The effect on the character and appearance of the surrounding area such as Bellrope Meadow which was so heavily criticised in the LUC document commissioned by English Heritage in 2013/14 entitled 'Evaluating the Impact of Housing Development on the Historic Environment'.
- Of equal concern, though is that the units proposed are three storeys in height. This is justified on the basis that the land slopes to the west away from the existing Little Maypole housing. The design in terms of height and elevational treatment is out of context with the Thaxted character. Viewed from the critical position on the footpath to the north. Similarly, boundary treatment along the northern perimeter is described as 'post and rail with low level hedging'. The impact on the important Chelmer Valley landscape would be unacceptable and views from the footpath seriously compromised.
- Liz Lakes have produced a landscape character assessment Lake Associates have now published their findings. The subject site falls into parcel LPLCA 16. Each parcel is assessed in terms of its capacity to accommodate development having regard to impact on the landscape. Parcel LPLCA 16 is assessed as having a 'low' capacity to accept development. 'Low' indicates the most

sensitive areas of landscape and the site is therefore considered unsuited to development.

- The previous planning permission for the respite centre has lapsed and is of no consequence anyway since the use was wholly different.
- The previous consent related in any case, to only a part of the site shown on the current application.

8. CONSULTATIONS

ECC Highways:

8.1 No objection:-

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to imposing conditions.

ECC Ecology Advice:

8.2 No objection:-

Subject to imposing planning conditions.

Natural England:

8.3 Natural England has no comments to make on this application.

NATS Safeguarding:

8.4 No objection:-

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

Airside OPS Limited

8.5 No objection:-

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.

UDC Conservation officer:

8.6 No objection:-

The proposed scheme would not cause adverse harm to any Listed Buildings, Conservation Area or Scheduled Ancient Monument. I have no objections in principle.

UDC Landscape officer:

8.7 Concerns raised:-

The proposed development would be visually detrimental on the qualities of the site and surrounding area. The proposed housing would have visual prominence in views taken from the public footpath running between Watling Lane and Walden Road (FP 49-97). The development would also be visible in the approach to Thaxted from the north along the Walden Road, presenting a broader built edge. The existing Little Maypole housing has an unsettling prominence in the landscape in views taken from Walden Road and the footpath (FP 49-97) and the proposed new housing would further compound this. Maintaining the open rural character of this part of the River Chelmer valley is considered to be of particular importance in retaining the sensitive relationship between the village and its rural setting.

UDC Environmental Health officer:

8.8 No objection:-

I have no objection in principle with the application. I agree with the conclusion in the acoustic feasibility study 15026.AFS.01 dated 9th November 2016 prepared by KP Acoustics in that the development may be affected by aircraft noise from Stansted Airport. Further noise investigations are required to identify the risks to the future users of the property and where necessary measures to ensure that the property is suitable for habitable use. This can be imposed by way of appropriate conditions.

9. REPRESENTATIONS

9.1 The application was publicised by sending 187 letters to adjoining occupiers and the displaying of site notices. 161 letters of objection have been received at the time of writing this appraisal that raise the following concerns:

- The site is outside the Thaxted development boundary and any new development would be contrary to policy S7 of the adopted local plan.
- Market housing cannot be regarded as 'exceptional' in the context of countryside protection policies.
- This would merely be back filling into the countryside.
- The proposal would have an impact on the Chelmer Valley landscape and views from footpath and highways into the historic town would be compromised. This point in particular was highlighted in the Inspectors decision following the Public Enquiry on the Gladman application for 120 houses on the adjoining field to this proposed development.
- The design and appearance of the units are out of character with the Thaxted Character.
- The concept of 9 three storey town houses perched on a hill would dominate the area and totally out of context.
- The previous planning permission for the respite centre has lapsed.
- The permission for the respite centre was single storey, covered part of the site and not all of it and it was classified as an exception site and permission was granted on this basis.
- The town of Thaxted has already absorbed a huge amount of housing.
- The site is within a parcel of land, recently identified by the Liz Lake Study as being particularly sensitive and least suited to development.

9.2 Amended drawings were submitted by the applicant who revised the parking layout of the development and re-sited the dwellings approximately two metres back into

the site. As such the application was re-notified to adjoining occupiers for a further three weeks. At the time of writing this appraisal, a further 4 representations have been received objecting to the proposal. The additional representations stated that the amended plans have not address previous objections and that the main concerns made previously still stand.

10. APPRAISAL

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

- A The principle of development of this site for residential development (ULP Policies S7, GEN2 and NPPF)
- B Visual Impact and Impact upon the Countryside. (ULP Policy S7, ENV8 & GEN2, and NPPF)
- C Whether the layout, design and appearance of the proposal is acceptable (NPPF, Local Policy GEN2)
- D Impact upon the setting of the heritage assets (ULP ENV1, NPPF and Listed Building and Conservation Area Act 1990)
- E Access to the site and highway issues (ULP Policies GEN1, GEN8 and NPPF)
- F Mix of Housing and Affordable Housing (ULP Policies H9, H10 and NPPF)
- G Biodiversity and Protection of Natural Environment (ULP Policies GEN7, GEN2 ENV7, ENV8 and NPPF)
- H Drainage and Flood Risk (ULP Policies GEN3, GEN6 and NPPF)
- I Residential Amenity (ULP Policies GEN2 & GEN4 and NPPF)

A The principle of development of this site for residential development (ULP Policies S7, GEN2 and NPPF)

- 10.1 The application site consists of a modest area of land approximately 0.32 of a hectare in size located within the open countryside on the edge of the settlement of Thaxted. The site is outside the development limits of Thaxted as defined by the Proposals Map 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.
- 10.2 The Council has carried out a review of the adopted policies and their compatibility with the NPPF. The Review found Policy S7 to be partly consistent with the NPPF in that the protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development but that the NPPF takes a positive approach, rather than a protective one. As a consequence, whilst Policy S7 is still relevant to the consideration of this application, there remains a presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF.
- 10.3 Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 10.4 The Council's Housing Trajectory and 5 Year Land Supply Statement published in

November 2015 represents the most up to date published assessment of the Council's 5 year supply and demonstrated that the Council had a 5.4 year supply of housing land. That assessment was based on data at April 2015 and is now somewhat dated. The Council did not publish an assessment of 5 year housing supply in April 2016 although initial work was carried out and reported to the Planning Policy Working Group in June 2016 indicating that the Council could demonstrate a 5 year supply but with a slight shortfall. Since that time, the Council has been involved in a Public Inquiry for development at Felsted and evidence emerged that some of the larger sites which the Council was relying on in its April 2015 trajectory, had either not been started or had not been built as quickly as anticipated. As a consequence, the supply was adjusted at the Public Inquiry in an attempt to reflect this situation.

- 10.5 However, adjusting the supply on this basis and not adjusting other aspects of supply, created other inaccuracies and the final position on 5 year supply at that inquiry was not considered by the Council to be an accurate representation of the present position. The Council has therefore reviewed the draft figures which formed the basis of the calculations provided to the PPWG in June 2016 and has firmed them up so that they can be published and provide a more accurate assessment of supply. These figures have also been adjusted to take account of the lack of delivery on some of the sites as agreed at the Felsted inquiry. The Council has therefore now produced a short interim document which sets out a more accurate assessment of the situation at April 2016 and allows a calculation to be made of the Council's 5 Year Supply of Housing land as at April 2016. This document will be superseded as soon as the Council finalises its work and publishes the April 2017 Housing Trajectory and 5 Year Land Supply.
- 10.6 Calculations based on the interim 2016 Housing Trajectory suggest that the Council is able to demonstrate only a 4.5 year supply of housing land as at April 2016 based on its housing requirement of 568 dpa and applying a 5% buffer. The Council has applied a windfall allowance of 50 dpa to the trajectory. A recent report to PPWG advises that, based on evidence, this should be increased to 70dpa and this will be included within the April 2017 housing supply assessment. Whilst there is an argument that this could be added to the April 2016 assessment, and would increase the Council's supply, it is considered that the revised figures will still show a shortfall and will not demonstrate a 5 year supply of housing land.
- 10.7 For the present time, the Council is therefore unable to demonstrate a deliverable 5 year supply of housing land and Paragraph 49 of the NPPF is applicable which states that policies contained in the Local Plan that are relevant to the supply of housing cannot be considered to be up to date.
- 10.8 Paragraph 14 of the NPPF requires development that is regarded as being sustainable to be granted. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. It is therefore necessary to assess whether the application proposal is sustainable and presumption in favour is engaged.
- 10.9 Paragraph 7 of the NPPF sets out the three dimensions of sustainable development as being economic, social and environmental and a key consideration therefore is whether the proposed application satisfies these three roles. 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.

- 10.10 Economic Role: The NPPF requires that development should contribute to building a strong, responsive and competitive economy by ensuring, amongst other things, that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.
- 10.11 The application site is located beyond the defined boundaries of the village settlement. The proposal put forward for assessment represents a modest scale of residential development in relation to the existing settlement as a whole. Any new development of this type should function as part of the settlement of Thaxted and the area as a whole where most facilities, services and employment will be found.
- 10.12 The village of Thaxted has a reasonable amount of local amenities and services to facilitate the needs of its local residents that includes schools, public houses, shops, a church, doctors surgery, community buildings and restaurants to name just few.
- 10.13 As such it is regarded that the application site would not be significantly divorced or isolated and that it would be capable of accommodating the development proposed in that it could be planned in a comprehensive and inclusive manner in relation to the settlement of Thaxted.
- 10.14 The proposal itself would bring economic benefits to the settlement of Thaxted supporting local services and amenities such as those mentioned above as a result of the future occupiers of the development. In addition the proposal would provide some positive economic contribution during the construction process of the development.
- 10.15 Although it is noted that there are limited opportunities for employment within the village, it is regarded that the application site has reasonable connectivity to larger nearby towns by way of public transport such as Great Dunmow and Saffron Walden and those further beyond. As such the proposal would also help contribute in providing economic support to the wider surrounding area.
- 10.16 As a result, the development provides a positive economic approach that satisfies the economic dimension of sustainability in the NPPF.
- 10.17 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.
- 10.18 The proposal would include the erection of up to 9 dwellings with ancillary infrastructure. It would be capable of providing some of the day to day needs for future occupiers and the built environment would be of a high quality as required by the Framework.
- 10.19 The application site is approximately 500m from the village centre in where most of the local amenities and facilities are. In addition public footpaths along both sides of Newbiggen Street that provide easy commuting to these facilities. It is considered that although the application site is on the edge of the village, it would form an inclusive development that would provide convenient access to the local services within Thaxted and to the wider surrounding area.
- 10.20 Future occupiers could rely on the village to provide most of their day to day needs

such as health, social and cultural well-being as well as shopping ensuring and promoting the village as an appropriate mixed and well balanced community.

- 10.21 It is considered that the proposed development has been designed to ensure access gives priority to sustainable transport options such as walking, cycling and public transport which thereby reduces the need and reliance on private cars.
- 10.22 The proposal would make a contribution towards the delivery of the housing needed for the district and housing would be designed to be accessible as per Part M of the Building Regulations.
- 10.23 As a result, the development provides a positive approach that satisfies the social dimension of sustainability in the NPPF.
- 10.24 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.
- 10.25 The application site is a modest size plot of open land in the countryside that backs onto existing residential development. It is recognised that the proposal would have some limited impacts as it would result in the encroachment of built form into the open countryside however given that the principle of developing the site has already been established under a recent planning application, it is considered that the proposed works would not cause further significant material harm compared to what has been approved in the past for the site. To help reduce potential harm, the applicant as part of the proposal, has incorporate measures to safeguard and mitigate were possible to enhance the environment in and around the site. Some of these measures include enhancing biodiversity, and providing re-inforce planting along the boundaries, provide sustainable drainage systems, and the dwelling units themselves would be energy efficient and low carbon new homes.
- 10.26 The scheme would help to fulfil the three principles of sustainable development. As such the proposals would comply with the positive stance towards sustainable development in this respect as set out in the NPPF and the presumption in favour of approval, unless material considerations indicate otherwise. Officers have applied 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.
- 10.27 In consideration of the above the development is sustainable development and the principle of the proposal is acceptable in this context.

B. Visual Impact and Impact upon the Countryside. (ULP Policy S7, ENV8 & GEN2, and NPPF)

- 10.28 Policy GEN2 seeks to ensure that development will be of an appropriate design and mitigates any potential harm. The Core Principles of the NPPF confirm that planning should recognise '*the intrinsic character and beauty of the countryside*' and the impact of development on the countryside is an accepted and material consideration.
- 10.29 Indicative long distance views are provided within the submitted Design and Access Statement in support of the application from various public vantage points. The indicative images indicates that the application site is generally well contained although views are obtained from a number of properties, PROWs and roads in the immediate vicinity and from more distant areas occupying elevated topography

across the Chelmer Valley itself.

- 10.30 The Design and Access Statement confirms that the proposed development has been shaped, in part, by the findings and this has informed the proposed layout of the residential areas as well as the extent and arrangement of the countryside.
- 10.31 It is acknowledge that the proposed would erode into the open countryside however given the location of the site on the edge of settlement boundary backing onto existing residential gardens and the nature and character of the proposal, the site itself and its wider setting, it is considered that the proposal would only result in limited harm in terms of the visual impact as a whole on the character and appearance of this part of the countryside.
- 10.32 Weight has also been given in relation to the proposed mitigation measures in which the applicant suggests that in addition to other benefits, reinforced landscaping would help mitigate the impact of the development upon the wider countryside. However it is noted that even with the proposed reinforced measures, the proposal would still be largely seen from a number of public vantage points. Nevertheless, it is considered that views towards the development would be predominantly seen in context of with the settlement itself rather than resulting in significant visual and landscape impacts to the wider countryside.
- 10.33 It is acknowledged that the proposal would alter the character of the site from an open plot of land that has previously been granted consent for a Short Breaks Centre on the settlement edge of Thaxted to an urban residential development as a result of the proposal. However, it is considered that on balance, although the proposal would extend into the open countryside the benefits of the development particular that of supplying much needed housing within the district and utilising a plot of land that has previously been considered appropriate for development, thereby protecting other greenfield sites, and the fact that it is within a sustainable location would outweigh the limited harm it would have upon the open countryside.
- 10.34 Key to local concerns which was also raised by the Parish Council was the fact that the subject site has been identified as having a 'low capacity to accept development' within the Liz Lake landscape character assessment. It should be noted that that this assessment was conducted on behalf of the Parish Council to help in the preparation of the local neighbourhood plan. As the Neighbourhood Plan is not adopted in any form, there is no policy argument to give any material weight at all to the Liz Lake Landscape Assessment.
- 10.35 Nevertheless, it should be noted that the application site is not within an area identified within the Liz Lake Assessment as being a highly sensitive site that should be avoided of any development.
- 10.36 Paragraph 3.3.1 of the Liz Lake Assessment states; *'Figure 1 Study area indicates the extent of the study area as agreed with the Parish Council at the outset'*. Paragraph 3.3.2 goes on to state; *'Thaxted's built up town centre, including the majority of the conservation area, is excluded from the scope of this study.'*
- 10.37 In addition, Paragraph 3.3.3 states; *'The inner edge of the study area follows the current settlement limit. This edge was then refined to include subsequent recent developments on the edge of Thaxted, which has extended the urban area'*.
- 10.38 Figure 1 of the study area of the Liz Lake Assessment highlights that the majority of the application site as being within the 'inner edge' of the study area which forms the

urban area of the village of Thaxted. The site is therefore excluded from the main landscape character assessment as part of the evidence base for the neighbourhood plan as identified within the Assessment.

- 10.39 Although the majority of the site falls outside of the study area, consideration has still been given in relation to potential harm upon the landscape character. It is regarded that the proposed development for the construction of 9 residential dwellings would not result in significant harm to characteristic views across and along the valley and it would not result in a large urban expansion of the village onto the valley slopes. As such it is regarded that the proposed development can be appropriately absorbed into the landscape setting without resulting in significant harm to the special qualities of the Chelmer Valley landscape and beyond.
- 10.40 It is also noted that Council's landscape officer had some concerns in relation to the developments impact upon maintaining the open rural character of this part of the River Chelmer Valley as it is considered to be of particular importance in retaining the sensitive relationship between the village and its rural setting. For the reasons given above within this appraisal, officers consider that it would not lead to a detrimental impact upon the open character of the Chelmer Valley and its sensitive relationship with the village.

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

- 10.41 The guidance set out in Paragraph 58 of 'The Framework' stipulates that the proposed development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate development and is visually attractive as a result of good architecture.
- 10.42 Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale form, layout and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate. Furthermore, development should not have a materially adverse effect on the reasonable occupation and enjoyment of residential properties as a result of loss of privacy, loss of daylight, overbearing or overshadowing.
- 10.43 The design and access statement provides details of the rationale behind the proposed development. This follows an assessment of the constraints and opportunities of the site, the design and appearance of the residential units and landscape objectives.
- 10.44 The guidance contained within the Essex Design Guide and the general character of the built form and siting of within the Thaxted has been considered in the overall design of the proposed development. The design of the buildings generally reflects the local vernacular of the surrounding built form.
- 10.45 The proposed dwelling units in blocks of three would be a mirror image to one another that would represent a pleasing blend of traditional features along with more contemporary elevational details. The suggested geometry and design of the fenestration would result in proportions of void to solid compatible with many historic buildings in Thaxted. Furthermore, the proposed mixture of finishing material of plain tiles, good quality brickwork and weatherboarding would be in keeping with local vernacular pallet.

- 10.46 The scale of the dwellings has been proposed with regard to the character of the surrounding locality which predominantly contains two story dwellings but combined, detached, semi-detached and terrace units. The dwellings would be well proportioned, articulated and reflect the patterns of characteristics of surrounding built form.
- 10.47 The site plans shows the existing gated access to be retained creating a single route into the site. This route then splits into two distinct directions as vehicles enter into the site offering access to either the northern or southern half of the site.
- 10.48 A large parking court is located to the front of the site and although the dwellings have some on plot parking, the majority of the residential parking is located opposite the housing. This is not ideal as large parking courts should be avoided and all parking should be on plot to the side of dwellings however officers considered that on balance, this layout is appropriate. In particular, the layout would not be at odds to the character of the area as the adjoining properties to the east have large parking courts to the rear and the proposal would be broken up with soft planting. Furthermore it would not result in remote parking for the occupiers of the dwellings. As such the design and layout of the parking court is considered to be acceptable.
- 10.49 In accordance with local policy GEN2, the Council will require developers to provide new homes, which are designed to lifetime homes standards. These standards will apply to all new housing, including flats. If permission is granted a planning condition would be imposed to ensure that all dwellings within the scheme comply with Part M of the Building Regulations, which secures the process to enable the delivery of lifetime wheelchair adaptable homes.
- 10.50 The development has also taken into account the general principles regarding 'Secure by Design' in terms of its layout. Public spaces, such as parking areas, have been design to be overlooked to provide natural security to the public realm.
- 10.51 For a three or more bedroom dwelling unit, the provision of 100sqm of amenity area has been found to be acceptable and a workable minimum size that accommodates most household activities in accordance with the Essex Design Guide. In addition to the minimum size guidance, the amenity space should also be totally private, not be overlooked, provide an outdoor sitting area and should be located to the rear rather than the side.
- 10.52 Each residential unit within the scheme has been provided with at least the minimum private garden sizes as stipulated above to meet the recreational needs of future occupiers.

D. Impact upon the setting of the heritage assets (ULP ENV1, NPPF and Listed Building and Conservation Area Act 1990)

- 10.53 Key to local concerns within representation letters and the Parish Council was the effect that the development would have upon the setting of the Thaxted Church and the town conservation area which was a reason for refusal for the adjoining Gladmans site which was a large residential scheme that was dismissed at appeal.
- 10.54 Although there are no nearby listed buildings and the conservation area is some distance away, the potential effect of the development on the heritage assets have been taken into consideration. The main issue to address is whether the proposed development is in accordance with the Listed Building and Conservation Area Act

1990, the National Planning Policy Framework and local policy ENV2.

- 10.55 Paragraph 133 of the Framework states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss.
- 10.56 Furthermore, paragraph 134 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use.
- 10.57 The application was consulted to Councils conservation officer who stated that the proposed scheme would not cause adverse harm to any Listed Buildings, Conservation Area or Scheduled Ancient Monument.
- 10.58 The proposal is significantly smaller in terms of its size and scale and therefore it is considered it would not result in the same detrimental impact as the residential scheme that was recently dismissed on the adjoining site upon the heritage assets contained within Thaxted.
- 10.59 Consequently, officers consider that the proposal would cause less than substantial harm to the setting of the conservation area, and listed buildings included that of the church and would provide sufficient public benefits such as providing additional housing. The development is in accordance with the Listed Building and Conservation Area Act 1990, the National Planning Policy Framework and local policy ENV2.

E. Access to the site and highway issues (ULP Policies GEN1, GEN8 and NPPF)

- 10.60 Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must not compromise road safety and to take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than the car.
- 10.61 The application includes details of the proposed access to the site from Little Maypole which runs off Newbiggen Street.
- 10.62 The application was accompanied by a Transport Assessment which concluded that the development would not adversely affect highway safety of the free flow of traffic on the local road network, supplies adequate cycle and vehicle parking. Consequently the proposal would not have an unacceptable transport impact on the highway network.
- 10.63 The application was consulted to Essex County Council Highways who confirmed that they had no objection to the proposal subject to conditions being imposed on any granted permission.
- 10.64 In relation to the amount of traffic generated from the development, the Highway Authority has not made an objection in terms of the potential impact on the surrounding road network. As a result, it is considered that the amount of traffic generated from the development could be accommodated and that there would be no impact upon the traffic flow on the surrounding road network particularly along

Newbiggen Street.

- 10.65 The proposal also provides a safe convenient pedestrian access into the village centre of Thaxted and to the nearby bus stops. This would help encourage movement by other means than a car from the site and be beneficial in that it would help ensure and take into account the needs of cyclists, pedestrians or people who are mobility impaired to gain access into the village of Thaxted and beyond.
- 10.66 The proposed vehicle access is deemed acceptable and that the proposed development would cause no harm to matters of highway safety. 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.
- 10.67 Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning Guidance 'Vehicle Parking Standards.
- 10.68 The Adopted Council Parking Standards recommends that a minimum of one vehicle space be provided for a one-bedroom unit, two spaces for a two or three bedroom dwellings, and three spaces for a four-bedroom dwelling house along with additional visitor parking spaces. In addition each dwelling should also be provided with at least 1 secure cycle covered space.
- 10.69 The proposal makes provisions for at least 2 car parking spaces for dwellings consisting of three bedrooms and three spaces for those dwellings containing 4 bedrooms. A total of 26 off street parking spaces are provided which includes 2 visitor parking spaces which would be accommodated within on and off street parking bays. In addition secure cycling would be provided for each residential unit within the site. The number and size of the off street parking meets the requirements of the Adopted Parking Standards to ensure that adequate parking is provided.
- 10.70 All appropriate size vehicles including emergency and refuse vehicles would be able to access the site. All refuse storage points would be located within 25m carry distance.
- 10.71 It is concluded that the proposed development would cause no harm to matters of highway safety.

F Dwelling mix and Affordable Housing provisions (NPPF, Local Policies H9 & H10)

- 10.72 Paragraph 50 of the Framework requires that developments deliver a wide choice of high quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 10.73 In accordance with National Planning Guidance, there is no statutory requirement to provide on-site affordable housing or an offsite financial contribution for a housing scheme that has 10 or less dwellings proposed. For this reason, no affordable housing is proposed as part of this scheme.
- 10.74 ULP Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom market dwellings. However, since the policy was adopted, the Strategic Housing Market Assessment (SHMA) has

identified that the market housing need is generally for dwellings with three or more bedrooms.

- 10.75 This is a material consideration because the SHMA constitutes supporting evidence for the Local Plan, which itself requires the housing mix requirements in the SHMA to be met in order to achieve compliance with Policy H2. Although a better design response would be to incorporate some smaller 2 bedroom units across the scheme, on balance given the size of the housing development in general is limited to 9 dwellings, officers consider the mix of three and four bedroom units across the development is appropriate. There is no requirement for bungalows to be provided as part of the dwelling mix.

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

- 10.76 Existing ecology and natural habitats found on the site must be safeguarded and enhanced and new opportunities for increasing the biodiversity should be explored. Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.
- 10.77 Paragraph 98 of Circular 06/05 states *'that presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would likely to result in harm to the species or its habitat'*. Furthermore, the NPPF states that *'the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible'*.
- 10.78 The application site itself is not subject of any statutory nature conservation designation being largely an overgrown field with limited vegetation.
- 10.79 The application is supported by an Ecological Appraisal dated December 2016. This Appraisal considers the site to have low ecological value with potential for nesting birds, and low potential for reptiles only. The vegetation on site is understood to be less than one year old having been cultivated prior.
- 10.80 Essex County Council's ecology officer who had no objections concluded that although no further surveys are necessary, the Ecological Appraisal sets out a number of precautionary measures to protect species during works and thereafter these should all be adhered to.
- 10.81 It is considered therefore that the application is acceptable on ecology grounds and that subject to the imposition of appropriately worded conditions; the proposal would be consistent with the policies contained within the Uttlesford District Local Plan as Adopted (2005) and the National Planning Policy Framework.

H Drainage and flooding (ULP Policies GEN3 and GEN6)

- 10.82 The NPPF states that inappropriate development in areas of high risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 10.83 The development site lies within Flood Zone 1 (low probability of flooding) as defined

by the Environmental Agency. The Framework indicates that all types of development are appropriate in this zone and hence there is no requirement for sequential or exemption testing.

- 10.84 The planning submission was accompanied by a surface water drainage strategy which provides strategic and technical guidance in relation to surface and foul water runoff, flood risk mitigations measures and Sustainable Urban Drainage Systems (SUDS). The report concludes that the proposed scheme incorporates suitable flood resilient/resistant measures on a site that is within a low probability of flooding. The report states that the proposed development could be constructed and operated safely in flood risk terms and is therefore an appropriate development in accordance with the NPPF.
- 10.85 It is considered that the proposed application would not give rise to increase flood risk on the site or elsewhere subject to appropriate mitigation measures.

I Whether the proposal would cause harm to the amenities of adjoining property occupiers (NPPF and ULP Policies GEN2 & GEN4).

- 10.86 Policy GEN2 requires that developments are designed appropriately and that they provide an environment which meets the reasonable needs of all potential uses and minimises the environmental impact on neighbouring properties by appropriate mitigating measures. The NPPF also requires that planning should seek to secure high quality design and a good standard of amenity for all existing and further occupants of land and buildings.
- 10.87 The relative separation distance between adjoining dwellings and the proposed area of housing as illustrated on the master plan within the site and the orientation are such that it is considered that no significant adverse harm would be caused to the amenities of adjoining property occupiers' particular in relation to loss of light, privacy and visual blight. In addition it is considered that there would not be a significant impact to adjoining occupiers in relation to general noise and disturbance. Furthermore, no significant harm would occur in relation to the amenities that will be enjoyed by the future occupiers of the development.
- 10.88 It is considered therefore that the development could be accommodated without significant adverse impact upon the amenity of existing and future residents in accordance with Policy GEN2 and the policies of the NPPF.

Other issues:

- 10.89 The issue on whether extant planning permission exists for the erection of a Short Breaks Centre for up to 8 residents on the application site has been questioned by the Parish Council and within neighbouring representations. The applicant argues that extant permission does exist.
- 10.90 Throughout the assessment of this scheme further documentation has been submitted to the Local Planning Authority from the Parish to suggest that the site does not have extant permission. This is potentially a grey issue as yes excavation works have commenced on the site for the foundations of the building however these works appear not to have been carried out in complete accordance with the original approved plans so a case could be argued that no extant permission exists for the site.
- 10.91 However it should be noted that whether it is regarded that the site has extant

planning permission or not, it generally does not make a significant difference one way or the other in terms of the officer's recommendation. Officers would recommend that the application be approved whether extant permission exists or not as the proposal amongst other material factors is considered to be a highly sustainable form of development for the reasons given above within this appraisal.

- 10.92 The National Planning Policy Guidance provides guidance in regards to procedures which are required in establishing whether an EIA is required. This guidance requires the local planning authority (LPA) to consider whether the proposed development is described in Schedule 1 or 2 of the Regulations.
- 10.93 Schedule 2 identifies 13 different categories, of which Class 10 is 'Infrastructure Projects' and the development proposed falls within the description of sub section - (b) 'Urban development projects'. The proposal does not exceed the thresholds and it is not, located in wholly or partly within a 'sensitive area' as defined by the Regulations.
- 10.94 On the evaluation of the information submitted by the applicant, and the Council's knowledge of the local area and its environment, bearing in mind that it is not required having full knowledge of every environmental effect; it is considered that the proposed development is not likely to give rise to significant environmental effects on the environment. An Environmental Impact Assessment (EIA) is therefore not required for the proposed development shown on the submitted drawings by the applicant.
- 10.95 On the basis of the above it is considered that an Environmental Statement is not required to be submitted with any planning application for the proposed development.
- 10.96 There may be implications under Article 1 and Article 8 of the Human Rights Act First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

11. CONCLUSION

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

- A The principle of the development is deemed to be appropriate in that it would be of a sustainable development in accordance with the National Planning Policy Framework.
- B It is acknowledged that the proposal would extend into the open countryside however given that the principle of developing the site has been agreed in the pass, and that it is within a sustainable location that will blend into the backdrop of the village, on balance it is considered that the benefits of the development particular that of supplying much needed housing within the district would outweigh the limited harm it would have upon the open countryside.
- C The size, scale and siting of the proposed development is appropriate in that the design and appearance would reflect the character of the surrounding locality and the street scene.
- D The proposed development would not result in substantial harm upon the setting of the surrounding heritage assets.

- E It is concluded that the proposed development would cause no harm to matters of highway safety or result in unwanted traffic congestion.
- F There is no requirement to provide on-site affordable housing and it is regarded that an appropriate mix of dwelling units has been provided across the development.
- G It is concluded that the with appropriate mitigation measure by way of planning conditions, the proposal would not result in a significant harm to the ecology and biodiversity of the surrounding area.
- H There are no objections from either the local flooding or water authorities and as such it is considered that the proposed development would not give rise to increase flood risk on the site or elsewhere subject to appropriate mitigation measures.
- I It is considered that the development could be accommodated without significant adverse impacts upon the amenities of existing and future residents.

RECOMMENDATION – APPROVAL SUBJECT TO CONDITIONS

Conditions:

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

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

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

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 and ENV1 of the Uttlesford Local Plan (adopted 2005).

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

3. The development hereby approved shall be carried out in accordance with the submitted 'Ecology Appraisal' prepared by DF Clark dated December 2016 unless otherwise agreed in writing by the local planning authority.

REASON: In the interest of protecting the natural habitat and protected species in accordance Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

4. Prior to the commencement of the development, a scheme of sound insulation measures must be submitted to and approved in writing by the Local Planning Authority. The scheme must demonstrate that suitable internal noise levels can be achieved as set out in BS 8233: 2014. The measures must be implemented prior to

occupation of the dwelling hereby permitted.

REASON: The site requires appropriate noise mitigation and sound proofing to noise sensitive development in accordance with local policies ENV11 and GEN4 and the National Planning Policy Framework.

5. Prior to commencement of the development, details of hard and soft landscaping (including planting, hard surfaces and boundary treatment) must be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works must be carried out in accordance with the approved details.

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

REASON: To ensure compatibility with the character of the area, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005). This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

JUSTIFICATION: The landscaping would help enable the development as a whole to integrate into the wider setting within this rural setting and ensure a sense of well-being for future occupiers and therefore it is essential that these details are submitted for approval in advance of the works being undertaken.

6. 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 policy GEN2 of the Uttlesford Local Plan (adopted 2005)

7. Prior to the first occupation of the development, the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purposes.

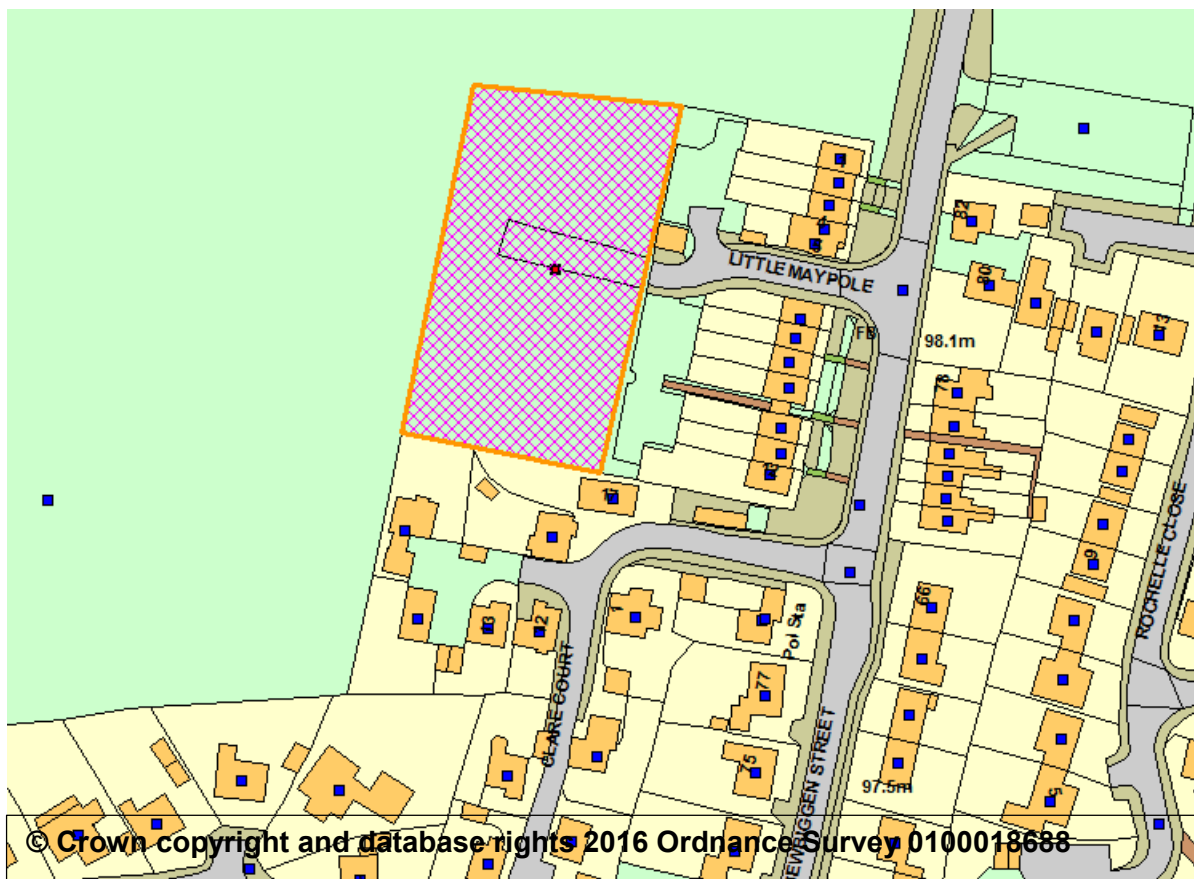
REASON: In the interest of highway safety in accordance with policy GEN1 of the

Uttlesford District Local Plan as Adopted (2005) and the NPPF.

8. 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 Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace

Application: UTT/16/3255/FUL
Address: Land at Little Maypole, Thaxted



Organisation: Uttlesford District Council

Department: Planning

Date: 26 April 2017

Uttlesford District Council
Council Offices
London Road
Saffron Walden CB11 4ER

Attn. Simon Pugh, Interim Head of Legal Services

(Copy by email)

Your ref: UTT/16/3255/FUL

Our ref: HAN1-002/LF

Email: lfoster@richardbuxton.co.uk

13 March 2017

URGENT LETTER

Dear Sirs

Little Maypole, Thaxted

We write further to our letter of 1 March. Please ensure a copy of this letter is presented in full to the committee prior to its consideration.

(1) Exception site issue

The present application is unlawfully presented as development on an exception site. The first point we note is that previous consent only applied to approximately 2/3s of the present red line boundary. In any event your attention is drawn to the previous decision UTT/0302/09/FUL, which exceptionally granted development consent to provide a community social respite care facility contrary to policy S7. The basis for the grant of consent was the community need for a facility in this general location. The relevant text (no para number is given but it is the 3rd and 7th full paras on pg 8):

"Having established that the development would be technically contrary to Policy S7 it is necessary to assess whether there are special reasons why the development in the form proposed needs to be there. If special reasons exist they may justify accepting the principle of development.

....

[I]t is considered that the clear shortfall of current and predicted future respite care would justify an exception to established countryside policies in this instance."

The developer maintains that there was a material start on the site (trench footing dug by Rescu) to implement the community facility consent and that the 2009 development consent has not lapsed. We disagree for reasons set out in our letter of 1 March 2017 and supplemented by the information provided to this letter as explained in (2) below. However if that is the position, the site is now a community facility site and is therefore protected from change to residential use. See e.g. NPPF

70. On this basis the Council is required to safeguard the community use of the site and it would be unlawful to grant a change of use for residential development that would see the loss of community facilities deemed only a few years ago to be so essential to the district as to justify treating the site as an exception site.

(2) Brownfield Site

Further to our 1 March letter, we provide a photograph of the so-called concrete foundation which the developer relies on as a material start. This strip, measuring no more than 7 metres in length with a small return of about 3 metres, is not in accordance with the approved plans as can be seen in the enclosed overlay. The position of the concrete trench does not lie on the land where the foundations are to be placed. It is also *de minimis* as a matter of law and cannot in any sense constitute a material start. The Council officer is therefore wrong in law to treat the application site as brownfield land as set out in the Officer' Report to Committee for the meeting scheduled for 8 March 2017 (OR) at para 2.2 (deferred to 3 April 2017)

(3) Landscape Sensitivity

Your attention is drawn to the appeal decision concerning Land at Walden Road, Thaxted (ref: APP/C1570/A/14/2222958). Inspector Dudley considered the landscape harm on an adjacent site which was also on the approach to the village. He observed (at para 17) ***"I am unable to envisage how even a small number of houses could be acceptably located on the site."*** Although the present application is a different site, that principle holds in terms of the visibility of housing on this site for the reasons expressed by Hands Off Thaxted and others in their formal objections. Indeed at para 10.31 the Officer acknowledges that the site "would erode into the open countryside". The problem is exacerbated by the lack of a formal LVIA report, as we have previously explained, contrary to the Officer's assertion that he has an LVIA to inform his report to committee. The short point is that there is no assessment of landscape sensitivity or harm of edge of settlement development and therefore the Officer's comments at paras 10.29 - 10.30, 10.34 and 10.35 are simply speculation and cannot lawfully inform the decision.

Further, as the Council will know, the Parish Council has commissioned a formal Landscape Character Assessment from Liz Lake which covers this site. It is accepted by the Council as part of the local plan evidence base and is therefore a material consideration. The Liz Lake document has previously been presented to the Planning Department and Planning Committee and given its status within the context of the Local Plan development (see minutes of the Planning Policy Working Group meeting 28th November 2016 – Agenda item 5), the basis upon which it is dismissed in the OR is flawed.

Finally we also note that when the Rescu centre scheme was approved the heights were limited to reduce the visual impact (see reference to revised plans, pg 1 para 5). In this instance it will be appreciated that the proposed houses are 8.4m high.

(4) Housing need

At OR para 10.70, the Officer records a highly misleading statement (derived from the developer's misleading planning statement (para 31)) about housing need in Thaxted. The mix of housing need in Thaxted is plainly a material consideration in determination of the application for housing, at least to the same extent as housing in the district and no reference has been made to that need. The correct position recorded in the recent Thaxted Housing Needs Survey (extracts enclosed) reveals a

limited need for housing, but what need there is is significantly (73%) for 1 and 2 bedroom properties. Therefore a mix of 3 and 4 bedroom dwellings is not in accordance with housing need.

(5) Design

The external cladding is described as black weatherboarding which the Officer records at para 10.40 to be "in keeping with the local vernacular pallet". This is a misleading statement given the comments made by LUC in the English Heritage commissioned study, *Evaluating the Impact of Housing Development on the Historic Environment – National Heritage Protection Plan Project NHPP 2A1:6172*. In this document Bellrope Meadow, just the other side of the B184 from the Maypole site, was selected as a case study to show how development in a historic setting can go wrong. The design of this scheme, which relied on black weatherboarding, was considered to be entirely inappropriate to the Thaxted vernacular.

Deferred committee meeting

Because the committee meeting has been deferred we anticipate sight of an updated report to committee and reserve our position to respond to that report.

Yours faithfully

Richard Buxton

Richard Buxton Environmental & Public Law



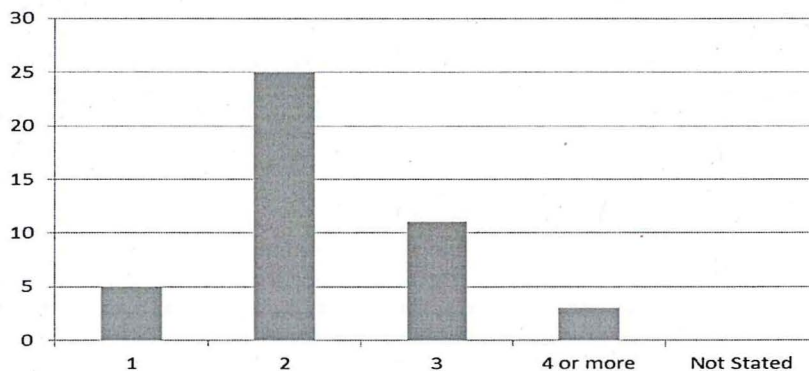
- - - - Limit of expired planning consent
▬ Constructed trench
▬ Previously approved plan
- - - - Area with No planning history



Number of bedrooms required

Five (11%) respondents indicated that they require a 1 bedroom property, the majority of respondents at twenty five (57%) require two bedrooms, eleven (25%) require three and three (7%) require 4 or more.

Figure 18: Number of bedrooms required



Special needs & adaptations

When asked if they had any specific housing needs or special adaptations made to the property three (7%) respondents said yes, forty one (93%) said no.

The below comments were made by household members indicating that they would require adaptations to the property in order to live independently. Comments are written as they appear on the completed survey.

- "Ground floor living likely to be needed"
- "Ground floor toilet & bathroom"
- "My M Sclerosis means I need ground floor + wheelchair access to property please, I don't want to leave Thaxted."

Figure 19: Special needs & adaptations



Uttlesford District Council
Council Offices
London Road
Saffron Walden CB11 4ER

Attn. Simon Pugh, Interim Head of Legal Services

By email & post

Copy by email to Nigel Brown, Planning Officer

Your ref: UTT/16/3255/FUL

Our ref: HAN1-002/LF

Email: lfoster@richardbuxton.co.uk

8 May 2017

Dear Sirs

Little Maypole – committee meeting 10 May 2017

We wrote to the Council on 13 March 2017 setting out several issues of concern and have now studied the Planning Officer's Report for the 10 May committee meeting (the OR). The Council Officer Simon Pugh has subsequently contacted us by email seeking confirmation whether we consider that our 13 March letter should be placed before the committee members.

We have discussed this with our client and consider that the 13 March 2017 letter should indeed be provided to the committee members in full. Our letter raised numerous key material issues which are not adequately addressed by the OR and so the contents of our letter are still relevant. Given the level of public opposition to this development and the context of the application outside the development boundary, it is important that the committee is aware of our points prior to making their determination. It will also assist community members in making their short verbal presentations to the committee members if the committee members have had the opportunity to study their written concerns before the meeting. You will no doubt agree that a short 2 or 3 minute presentation does not permit a detailed summary of the points.

These are the points that the OR has ignored or misconstrued:

Extant consent

1(a) The OR offers confusing and contradictory advice to members on whether there is extant planning permission on the site. At 5.2 the OR says there is an extant consent but at 10.90 the OR says that this is a 'grey' area, and then goes on to say (10.91) that it doesn't matter anyway. This is confusing and contrary to the contents of our letter which has demonstrated very clearly that there was a consent but that this has lapsed because the consent was not implemented.

We are also instructed that the OR view is contrary to what our clients were advised in a

meeting with UDC's Development Manager, Nigel Brown 12 April 2017 that the 3 year time-to-build condition had not been properly discharged.

1(b) The OR fails to address the point we made in regard to NPPF 70 about the change of use of the site to residential, thus withdrawing a community facility, which in our view is unlawful.

Landscape harm

2(a) The OR makes no reference to the Inspector's remark in the Gladman inquiry report that: "I am unable to envisage how even a small number of houses could be acceptably located on the site". The officer steadfastly ignores all the evidence in the Gladman report even though it has been demonstrated that we are dealing with the same view and the same environmental sensitivities.

2(b) In paras. 10.25 to 10.40 the Officer argues that the Liz Lake report is not to be considered because part of the Little Maypole site is outside the scope of the report. This is a specious argument as it presupposes that, because some of the site is not in the scope of the report, it therefore cannot not be seen. It can be seen all too clearly from the Chelmer Valley - and, of course, part of the site *is* within the scope of Liz Lake's report. It is an important evidence-based report that cannot be dismissed so lightly.

Housing need

3(a) No mention has been made in the OR of Thaxted's Housing Needs Survey, which stresses the need for 2 bed accommodation as set out in page 4 of our 13 March 2017 letter.

Consultation

On a separate point, the application was re-opened for public consultation due to a change in the plans, however the OR was dated 26 April and therefore was written before the extended public consultation had finished on 1 May. The consequence is that at least 58 letters of objection were not read by the Officer, and therefore the OR has failed to deal with all the consultations and material considerations. Apart from the concern our clients have that local residents are not being listened to, this is a breach of natural justice to consult on amended plans but disregard the responses by issuing a report before the end of the consultation period.

What the Council is asked to do

This is not an exhaustive list of the shortcomings in the OR nor the unfairness of the procedure leading up to the May 10, 2017 meeting, but because of these highly material shortcomings, our firm view is that it would be improper not to provide members with a copy on grounds that it "might confuse" the committee.

We therefore ask you to confirm that the Council will provide members with both this letter and our letter of 13 March 2017.

Yours faithfully

Richard Buxton

Richard Buxton Environmental & Public Law

UTT/17/0188/FUL - (CLAVERING)

(Referred to Committee by Cllr Oliver. Reason: The site is outside Development Limits; The site is unsustainable; Potential harm to the countryside)

PROPOSAL: Construction of 2 no. Dwellings
LOCATION: Land Adjacent to The Hazels, Wicken Road, Clavering
APPLICANT: Mr Sansome & Mrs Herring
AGENT: Mr C Hennem (Pelham Structures)
EXPIRY DATE: 12 May 2017
CASE OFFICER: Luke Mills

1. NOTATION

1.1 Countryside.

2. DESCRIPTION OF SITE

2.1 The site is located off Wicken Road, Clavering (Hill Green). It comprises an undeveloped parcel of land.

3. PROPOSAL

3.1 The application is for planning permission to erect two detached dwellings, both of which would be served by a single point of access from Wicken Road.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

5. APPLICANT'S CASE

5.1 The application is accompanied by the following documents:

- Biodiversity Questionnaire
- Site Waste Management Plan
- Sustainable Construction Pre-Application Checklist
- Sustainable Construction report
- Landscape & Visual Appraisal
- Planning Statement
- Ecology Report
- Supplementary Ecology Report
- Response to Comments

6. RELEVANT SITE HISTORY

6.1 In June 2016, an appeal was dismissed following the refusal of application UTT/15/2348/FUL. The development differed from the current proposal with regard

to scale and depth.

7. POLICIES

- 7.1 S70 of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 7.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Uttlesford Local Plan (2005)

- 7.3
- S7 – The Countryside
 - GEN1 – Access
 - GEN2 – Design
 - GEN3 – Flood Protection
 - GEN6 – Infrastructure Provision to Support Development
 - GEN7 – Nature Conservation
 - GEN8 – Vehicle Parking Standards
 - ENV3 – Open Spaces and Trees
 - H1 – Housing Development
 - H9 – Affordable Housing
 - H10 – Housing Mix

Supplementary Planning Documents/Guidance

- 7.4
- SPD – Accessible Homes and Playspace (2005)
 - Developer Contributions Guidance Document (Feb 2016)
 - The Essex Design Guide (2005)
 - Parking Standards: Design and Good Practice (2009)
 - Uttlesford Local Residential Parking Standards (2013)

National Policies

- 7.5
- National Planning Policy Framework (NPPF) (2012)
 - paragraphs 14, 17, 32, 34, 35, 39, 47-49, 55, 58, 100-104 & 118
 - Planning Practice Guidance (PPG)
 - Design
 - Flood risk and coastal change
 - Housing: optional technical standards
 - Natural environment
 - Rural housing

Other Material Considerations

- 7.6
- West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) (2015)
 - Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)

8. PARISH COUNCIL COMMENTS

8.1 Objection. Concerns include:

- Adverse effect on biodiversity
- Possible intensification of development in future
- Harm to character of the area
- Lack of sustainable transport options to access services, facilities and employment
- Adverse effect on road safety
- Inadequate infrastructure e.g. healthcare

9. CONSULTATIONS

Highway Authority (Essex County Council)

9.1 No objections, subject to conditions.

Ecological Consultant (Place Services)

9.2 No objections, subject to a condition. Extract:

“The Ecology Report and subsequent Supplementary Ecology Report (AR Arbon 2015; 2017) found low biodiversity on-site. There is a negligible risk to protected species from the proposed works. These reports recommend a biodiversity management plan, which will ensure a net gain in biodiversity through this development in accordance with the NPPF and the NERC Act. Appropriate wording for this condition is given below.”

Aerodrome Safeguarding Authority (London Stansted Airport)

9.3 No objections.

10. REPRESENTATIONS

10.1 Neighbours were notified of the application by letter. A number of representations have been received and the following concerns have been raised:

- 1) The site is outside the village’s Development Limits
- 2) Harm to character of the area
- 3) Lack of sustainable transport options to access services, facilities and employment
- 4) Adverse effect on road safety
- 5) Adverse effect on biodiversity
- 6) Inadequate infrastructure e.g. primary school, healthcare
- 7) Lack of secure outside storage for the proposed dwellings
- 8) No need for additional housing in the village
- 9) Possible intensification of development in future

10.2 The following comments are made in respect of the above points:

1) – 8) Assessed in the below appraisal.

9) The decision must be based on the current proposal. Any future applications would be assessed on their merits.

11. APPRAISAL

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

- A Location of housing (S7, H1, 55 & PPG)
- B Character and appearance (S7, GEN2, ENV3, 17, 58 & PPG)
- C Transport (GEN1, GEN8, 32, 34, 35 & 39)
- D Accessibility (GEN2 & PPG)
- E Amenity (GEN2 & 17)
- F Flooding (GEN3, 100-104, PPG & SFRA)
- G Infrastructure (GEN6)
- H Biodiversity (GEN7, 118 & PPG)
- I Affordable housing (H9 & PPG)
- J Housing mix (H10 & SHMA)
- K Housing land supply (47-49)

A Location of housing (S7, H1, 55 & PPG)

- 11.1 The site is located beyond the Development Limits for Clavering. As the site is considered to be a relatively large gap between buildings, it is considered that the proposal does not represent 'sensitive infilling' in the context of Policy S7. It is therefore concluded that residential development on the site would be in conflict with policies S7 and H1.
- 11.2 Paragraph 55 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. While there is no published definition of 'isolated', it is considered that the PPG supports the view that housing sites should be within or adjacent existing settlements. The effect is to prevent sporadic development in the countryside, while supporting the growth of existing settlements of almost any size due to the associated economic and social benefits. As the application site abuts the built-up area of the village, and indeed the Development Limits, it is considered that the location accords with paragraph 55.

B Character and appearance (S7, GEN2, ENV3, 17, 58 & PPG)

- 11.3 The site is an undeveloped parcel of land, which marks the transition from the village to the surrounding countryside. Its rural character would be eroded by the proposed development, representing a harmful effect in conflict with policies S7 and ENV3 and paragraphs 17 and 58 of the NPPF. However, as the site does not have any special landscape value, it is considered that the degree of harm would be limited.
- 11.4 As to the detailed design of the development, it is considered that the proposed dwellings would be compatible with the appearance and layout of surrounding buildings. Therefore, in this respect, the proposal accords with Policy GEN2 and paragraph 58 of the NPPF.

C Transport (GEN1, GEN8, 32, 34, 35 & 39)

- 11.5 It is considered that the occupants of the proposed dwellings would rely heavily on the private car to access services, facilities and employment, in conflict with Policy GEN1 and paragraph 34 of the NPPF.
- 11.6 The proposed dwellings would be served by a single point of access off Wicken Road. Taking into account the comments of the highway authority, it is considered that the access and associated vehicle movements would not cause any significant adverse effects that would represent a conflict with Policy GEN1 or paragraphs 32

or 35 of the NPPF.

- 11.7 The driveways would provide ample space for off-street parking, amounting to at least three spaces per dwelling. Therefore, the proposal accords with the Council's minimum residential parking standards and, in turn, Policy GEN8 and paragraph 39 of the NPPF.

D Accessibility (GEN2 & PPG)

- 11.8 Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' require compliance with the Lifetime Homes standards. However, these standards have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Compliance with these requirements could be secured using a condition.

E Amenity (GEN2 & 17)

- 11.9 Taking into account the guidance in The Essex Design Guide, it is considered that the proposed rear gardens would be of a suitable size, and that there would be no significant adverse effects on the amenity of neighbouring premises with respect to daylight, privacy or overbearing impacts. Therefore, in this respect, the proposal accords with Policy GEN2 and paragraph 17 of the NPPF.

F Flooding (GEN3, 100-104, PPG & SFRA)

- 11.10 Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The SFRA confirms that the site is not in an area at risk of flooding and, as the development is for less than 10 dwellings, national policy does not require the use of a sustainable drainage system. It is therefore concluded that the proposal would not give rise to any significant adverse effects with respect to flood risk, such that it accords with the policies in the NPPF and PPG.

G Infrastructure (GEN6)

- 11.11 Taking into account the nature and scale of the development, and the above consultation responses, it is considered that there would be no requirement for improvements to off-site infrastructure. It is therefore concluded that the proposal accords with Policy GEN6.

H Biodiversity (GEN7, 118 & PPG)

- 11.12 The application is accompanied by an Ecology Report and a Supplementary Ecology Report. Taking into account the comments of the Council's ecological consultant, it is considered likely that the proposal would have no significant adverse effects on any protected species or valuable habitats. Biodiversity enhancements could be secured using a condition.

I Affordable housing (H9 & PPG)

- 11.13 As explained in detail in various appeal decisions, including UTT/15/3599/FUL, the Developer Contributions Guidance Document must not be given weight when considering affordable housing requirements. Therefore, the basis for seeking affordable housing provision is Policy H9 and its preamble.

11.14 Policy H9 indicates that, although the site area is greater than 0.5 ha, provision should not be sought where it equates to less than three units, as would be the case with the proposed development. It is also noted that the more up-to-date national policy in the PPG applies an exemption for developments of the scale proposed.

J Housing mix (H10 & SHMA)

11.15 As the site area is greater than 0.1 ha, Policy H10 requires that small market housing comprises a significant proportion of the total number of units. The SHMA indicates that there remains a high demand for small properties, albeit mainly in the form of three-bedroom dwellings. Plot 1 would have two bedrooms and Plot 2 would have three, in accordance with Policy H10.

K Housing land supply (47-49)

11.16 Paragraphs 47-49 of the NPPF describe the importance of maintaining a five-year supply of deliverable housing sites. As identified in the presentation to the Planning Policy Working Group entitled '5-Year Land Supply' (June 2016), the Council currently has a 5.0-year supply.

12. CONCLUSION

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

- A The proposal does not accord with the development plan due to conflicts with policies on the location of housing, countryside character and sustainable transport.
- B Notwithstanding the above, it is concluded that the proposal represents 'sustainable development' in the context of the NPPF. Firstly, it accords with the policy on the location of rural housing. Furthermore, the adverse effects regarding countryside character and sustainable transport would be limited in degree and, to some extent, accepted by the policy on the location of rural housing. Having had regard to all other relevant policies, it is considered that the adverse effects of the proposal would not significantly and demonstrably outweigh the positive effects.
- C Taking into account the more up-to-date nature of the NPPF with respect to the determining issues, it is considered that the lack of accordance with the development plan is overridden in this instance. Regard has been had to all other material considerations, and it is concluded that planning permission should be granted.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

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

2. Prior to commencement of the development, details of the following external finishes (including samples and/or photographs as appropriate) must be submitted to and

approved in writing by the local planning authority:

- Walls
- Roof
- Chimney
- Windows
- Doors

The development must be carried out in accordance with the approved details.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

3. Prior to commencement of the development, details of the following hard and soft landscaping works must be submitted to and approved in writing by the local planning authority:

- Retained features
- New planting
- Hard surfaces
- Boundary treatment

All hard and soft landscape works must be carried out in accordance with the approved details.

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

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005). This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

4. Prior to commencement of the development, a Biodiversity Management Plan (BMP) must be submitted to and approved in writing by the local planning authority. The BMP must include:

- a. A description and evaluation of features to be managed
- b. Ecological trends and constraints on site that might influence management
- c. Aims and objectives of management
- d. Appropriate management options for achieving the aims and objectives of the

project

e. Prescriptions for management actions

f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)

g. Details of the body or organisation responsible for implementation of the plan

h. On-going monitoring and remedial measures.

The BMP must be implemented in accordance with the approved details.

REASON: To conserve and enhance biodiversity, in accordance with Policy GEN7 and Policy ENV8 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

5. Prior to occupation of any dwelling, full details of the access (5.5 m wide for at least 6 m from the back of the carriageway) and vehicle parking area must be submitted to and approved in writing by the local planning authority. The access and vehicle parking area must be formed in accordance with the approved details prior to occupation of any dwelling.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner, to ensure that opposing vehicles can pass clear of the limits of the highway and to prevent on-street parking, in accordance with Policy GEN1 and Policy GEN8 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

6. Prior to occupation of any dwelling, the pedestrian footpath extension shown on Drawing No. 018.20b must be hard-surfaced.

REASON: In the interests of highway safety, efficiency and accessibility, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

7. Prior to occupation of any dwelling, the existing access shown on Drawing No. 018.20b must be suitably and permanently closed, incorporating the reinstatement to full height of the highway verge/kerbing.

REASON: To ensure the removal of, and to preclude the creation of, unnecessary points of traffic conflict in the highway, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

8. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

9. Runoff water from the driveway hereby permitted must be directed to a permeable or porous surface within the application site.

REASON: To prevent hazards caused by water flowing onto the highway in the interest of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

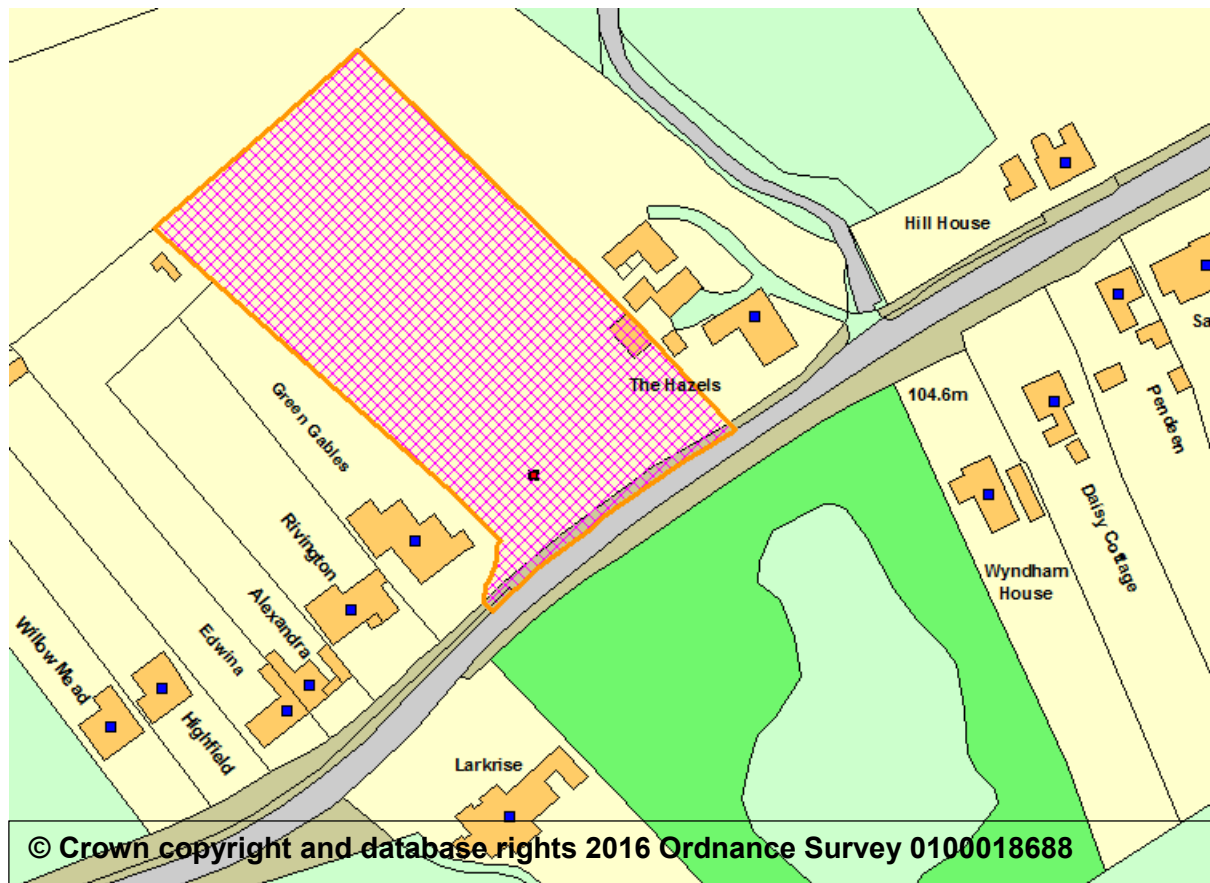
10. The eaves and ridge heights of the proposed dwellings in relation to neighbouring buildings at The Hazels and Green Gables must be as shown in the proposed street scene on Drawing No. 018.20b.

REASON: For the avoidance of doubt and to ensure compatibility with the character and appearance of the area, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

11. The dwellings hereby permitted must be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

Application: UTT/17/0188/FUL
Address: Land Adjacent To The Hazels, Wicken Road Clavering



Organisation: Uttlesford District Council

Department: Planning

Date: 26 April 2017

UTT/17/0128/FUL - (BIRCHANGER)

(Site includes frontage land strip over which vehicular access is gained within the ownership and control of Uttlesford District Council)

PROPOSAL: Demolition of existing chalet bungalow and erection of two new dwellings.

LOCATION: 5 Wood Lane, Birchanger.

APPLICANT: Mr & Mrs M Hoddle.

AGENT: Mr G Treadwell.

EXPIRY DATE: 17 May 2017

CASE OFFICER: Clive Theobald

1. NOTATION

1.1 Within Development Limits.

2. DESCRIPTION OF SITE

2.1 The site is situated towards the beginning of Wood Lane (private road) on its south-east side and comprises a 1960's constructed three bedroomed chalet style frontage dwelling externally clad in brick and tile served from Wood Lane with informal frontage parking area and enclosed rear garden. The site has an area of 0.17ha and is level. The site is bordered on its north-east side by a detached garage building originally understood to form part of No.5 Wood Lane, but which is now separately rented out and which does not form part of the application site (No.5a), and by a short row of dwellings leading down the lane on the same side beyond. The site is bordered on its south-west side by a sports ground and the Birchanger Sports and Social Club and to the immediate west by a single storey scout building (No.1 Wood Lane) which stands close onto the lane frontage. A small local authority sheltered housing development (Birchwood) lies opposite the site across the lane, whilst private amenity land lies to the immediate rear of the site. Wood Lane is also a public bridleway.

2.2 A prominent row of mature trees exists which are subject to a TPO along the site's flank boundary with the sports ground, whilst a post and rail fence exists along the site's frontage with the lane. A triangular strip of greensward exists between the front of the site and Wood Lane which is within the ownership and control of Uttlesford District Council over which vehicular access into the site is currently gained (two access points). Requisite notice has been served on the Council within the Certificate of Ownership section of the submitted application form (Certificate B).

3. PROPOSAL

3.1 This full application proposal relates to the demolition of the existing chalet bungalow on the site and the erection in its place of 2 no. two storey detached dwellings with associated parking in the form of 2 no. frontage car ports and turning areas with slightly relocated vehicular access point positions off Wood Lane across

the frontage greensward strip and separate rear amenity provision.

- 3.2 The dwelling for Plot 1 would be 4 bedroomed and would have a height to the eaves of 5m and height to the ridge of 9m, whilst the dwelling for Plot 2 would also be 4 bedroomed and would have a height to the eaves of 4.4m and height to the ridge of 7.8m. Both dwellings would be externally clad in slate, render and weatherboarding with brick plinths and brick chimneys. The car port to the dwelling for Plot 1 would have a height to the ridge of 5.4m, whilst the car port to the dwelling for Plot 2 would have a height to the ridge of 4.8m and both would be externally clad in slate and weatherboarding.
- 3.3 It is stated that the proposed dwellings would be connected to an existing foul sewer which runs along Wood Lane from Birchwood to the property known as Oak Lea which is situated adjacent and just beyond the site on its north-east side.
- 3.4 The application is accompanied by a Preliminary Ecological Appraisal and an Arboricultural Impact Assessment Report both prepared by Landscape Planning Limited.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The proposal falls within Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (small Infrastructure Project). However, the social and environmental impacts of the proposal would not be significant arising from this two dwelling scheme.

5. APPLICANT'S CASE

- 5.1 The submitted statement of case states that the existing dwelling does not make the best use of the site, offers inferior living accommodation, is of a poor form of construction, has no real architectural merit and does not contribute positively to the streetscene. In contrast, it further states that granting planning permission for the proposed development would increase the density of the site by 100% to create two sustainable dwellings which would have a positive impact on the streetscene without having a detrimental impact on the residential amenity of adjacent properties.
- 5.2 The statement adds that the submitted scheme has been revised in respect of the comments made by the Council at preliminary enquiry stage, most notably that the dwelling for Plot 2 (nearest No.5a) has been modified to improve the relationship with this adjacent dwelling. It is stated in this context that;

“Responding to the comments raised in the pre-application enquiry, the dwelling adjacent to No.5a Wood Lane (Plot 2) has been designed as a chalet dwelling which minimises any impact on the existing dwelling. However, in keeping with the existing variety of scale and design of dwellings along Wood Lane, Plot 1 has been designed as a two storey house. Although the two proposed dwellings will be different in their height, scale and design, there will be a level of continuity in the detailing and materials”

6. RELEVANT SITE HISTORY

- 6.1 Development of land for chalet bungalow approved in 1963. Development of land for two dwellings refused in 1956. Erection of single storey self-contained extension approved in 1973. Permitted enquiry submitted in 2015 for the demolition of the existing dwelling on the site and the erection of two dwellings with two detached cart

ports in its place.

Officer concerns were raised to the initially submitted sketch scheme for this PE, which showed a much higher eaves line for the dwelling for Plot 2 with front roof dormers shown in the roof space for each at second floor level thereby accentuating the vertical scale of the two dwellings relative to the adjacent row of dwellings. However, a revised streetscene elevation drawing was submitted showing in contrast a dropped eaves line for the dwelling for Plot 2 thereby giving the dwelling a more chalet style appearance, albeit that the dwelling would still in effect be at two storey height. No objections were raised to this change or to the two storey scale of the dwelling for Plot 1 or to the positioning of the car ports for each dwelling to the front of each respective dwelling. The currently submitted scheme for planning permission reflects this preliminary advice (see Applicant's case above).

7. POLICIES

- Uttlesford Local Plan (2005)

- ULP Policy S3 – Other Settlement Boundaries
- ULP Policy ENV3 – Open Spaces and Trees
- ULP Policy H3 – Infilling with new houses
- ULP Policy H7 – Replacement Dwellings
- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design
- ULP Policy GEN7 – Nature Conservation
- ULP Policy GEN8 – Vehicle Parking Standards

Supplementary Planning Documents/Guidance

- SPD “Replacement Dwellings”.
- SPD “Accessible Homes and Playspace”

National Policies

- National Planning Policy Framework (NPPF)

Other Material Considerations

None.

8. PARISH COUNCIL COMMENTS

- 8.1
- No objections in principle to the siting of two houses on this site. However, the Parish Council has concerns as follows:
 - This part of Wood Lane adjoins the sports ground to the Birchanger Sports and Social Club which is amenity land registered as a community asset and has an open aspect which should be retained.
 - The five bedroom property on Plot 1 is large and overbearing in comparison with the surrounding buildings. A smaller dwelling similar to that proposed for Plot 2 would be preferred. There are only three other dwellings in Wood Lane, two of which are bungalows and the other (Oak Lea) is, like the existing property, a hybrid chalet bungalow with first floor rooms within the roof. A two storey building would be incongruous to the surroundings.
 - The Parish Council is not in favour of garages in front of houses. The submitted plans show that garage/ car ports are proposed for both houses,

situated at the front of the plots and perpendicular to the front boundary. These would result in a view from the road of the plain brick end walls up to 5m high to the apex for the Plot 1 garage. This would close up the open aspect of the street scene to an unacceptable extent. The garage proposed for Plot 1 seems unnecessarily large accentuated by the den in the roof space.

- In order to retain the open aspect, no high fences or hedging should be permitted along the front boundary.
- The ecology desk based report suggests that there are no ponds within 500 metres of the site and no reports of great crested newts within 1 km. This is not correct and may need further investigation to ensure that no protected species are at risk. There are many ponds in Birchanger. A number of these are well within 500 metres of the site, including one in Wood Lane itself and the majority are known to contain a range of newt species including great crested newts as well as grass snakes.
- There should be a condition applied to ensure that a wheel washing facility is employed on site to reduce mud on the surrounding roads.
- The balcony at the rear of the house on Plot 1 would overlook the rear garden of Plot 2.

9. CONSULTATIONS

NATS Safeguarding

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

ECC Highways

- 9.2 No highway objections.

ECC Ecology

- 9.3 My comments refer to the Preliminary Ecological Appraisal (Landscape Planning Ltd, 2015). This report found that the only ecological constraint to works is due to nesting birds in both the buildings on the site and vegetation. Please find a condition below (C1) which will remove the risk of an offence in relation to this nationally protected group of species. In addition, the report recommends a lighting condition for bats, protection of badgers and other nocturnally active mammals during construction and biodiversity management plans which are all conditioned below and should be appended to any planning permission granted.

ECC Education

- 9.4 An education contribution is not requested in this instance as the proposed development comprises less than 20 dwellings.

UDC Housing

- 9.5 No access / rights of way over UDC land have been applied for in order to serve the proposed dwellings.

10. REPRESENTATIONS

- 10.1 0 representations received. Neighbour notification expired on 3 March 2017. Advertisement expired on 9 March 2017. Site notice expired on 14 March 2017.

11. APPRAISAL

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

- A Principle of development (NPPF and ULP Policies S3 and H3).
- B Design (ULP Policies H7 and GEN2).
- C Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8).
- D Impact on residential amenity (ULP Policy GEN2).
- E Impact on protected species (ULP Policy GEN7).
- F Impact on trees (ULP Policy ENV3).

A Principle of development (NPPF and ULP Policies S3, H3 and H7).

- 11.1 The site is situated within development limits for Birchanger. ULP Policy S3 of the adopted local plan states that development will be permitted providing that it is compatible with the character of the settlement. Wood Lane contains a short line of dwellings beyond the Birchanger Sports and Social Club and the proposed use of the site for two dwellings involving the demolition of the existing dwelling would be compatible with this residential character and no objections are raised under ULP Policy S3. The second dwelling proposed for this site can be regarded as representing an infill dwelling given the nature of the proposed development and it is considered that the site represents an appropriate site for infilling where an additional dwelling on the site over and above a “one for one replacement” for the existing dwelling to be demolished would be compliant with ULP Policy H3.
- 11.2 The NPPF has a presumption in favour of sustainable development. The site is situated close to village amenities and would be compliant with the NPPF in this respect (the social strand), whilst the proposed development would not cause wider significant environmental harm (environmental strand) and the development would provide local employment in the short term (economic strand). As such, the proposal would represent a presumption in favour of sustainable development under the provisions of the NPPF.

B Design (ULP Policies H7 and GEN2).

- 11.3 The proposal would involve the erection of a two storey dwelling for Plot 1 and a “hybrid” chalet style two storey dwelling for Plot 2. As previously mentioned, the proposal has been the subject of a preliminary enquiry whereupon changes have been made to the design of the dwellings whereby the principle of providing 2 no. two storey dwellings at the site in the form proposed has previously been accepted by officers on the basis of these changes. Wood Lane has a mix of single storey and chalet style dwellings and consideration has been given to the impact of the proposed development on the streetscene. Whilst it is acknowledged that the introduction of a two storey form of dwellings along the beginning of the housing line within Wood Lane would not truly reflect this existing single storey and 1½ storey form, it is considered that the gradation up to provide a two storey dwelling as shown for Plot 2 whereby this dwelling now incorporates a dropped front eaves line to help mitigate against the increase in ridge height and also the slight increase in ridge height above the dwelling for Plot 2 in respect of Plot 1 as a conventionally shown two storey dwelling would be acceptable in this site context. The style of

dwellings proposed and use of external materials is also considered acceptable as is also the site layout and no design objections are therefore raised to the proposal under ULP Policies H7 and GEN2.

C Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8).

- 11.4 Wood Lane is a quiet private road serving a small number of dwellings off Birchwood. The introduction of a net gain of one dwelling for the site would not give rise to an intensification of vehicular use of the lane and ECC Highways have not raised any highway objections to the development subject to recommended highway conditions. The proposed vehicular access points into each respective plot would be slightly altered from Wood lane, although these alterations do not present any issues in highway terms. No access objections are therefore raised under ULP Policy GEN1.
- 11.5 Uttlesford District Council presently has ownership over the triangular grass strip of land between the proposed site plots and the back edge of Wood Lane over which vehicles would be driven to gain access into the site plots and which is the reason why this planning application is required to be reported to committee. It is not known at this stage whether the applicant intends to purchase this strip of land or to continue to exercise what the applicant's agent has stated to be existing user rights over the land. However, this issue is not a material planning consideration and does not therefore form part of the planning merits of the application proposal, although could be a legal issue should planning permission be granted.
- 11.6 The forward positioning of the cart shed garages as shown for Plots 1 and 2 would be offset and framed by the existing scout hut situated close onto the lane boundary to the immediate front/side of the site, whilst sufficient land exists in front of the proposed dwellings so as not to make the front of the site appear cramped or for the garages to overly obscure the dwellings behind and no parking objections are raised in this regard. The cart shed garage for Plot 1 would comply with ECC adopted parking standards in terms of both the number of spaces provided (3 no. / 4 bed dwelling) with additional side hardstanding spaces (4 no.) and also in terms of bay size. Whilst the cart shed garage for Plot 2 would only have 2 No. parking spaces (4 bed dwelling), the additional 2 no. hardstanding parking spaces shown for this plot would bring the parking provision up to standard for the plot overall. No objections are therefore raised under ULP Policy GEN8.

D Impact on residential amenity (ULP Policy GEN2).

- 11.7 The design of the dwelling for Plot 2 has been revised through the preliminary enquiry process so as to improve its relationship with the single storey dwelling at No.5a Wood Lane adjacent. It is considered that the separation distance of the dwelling for Plot 2 from this adjacent separate residential unit (2.5m) is such that the dwelling would not cause a significant overbearing effect on this adjacent property. There would not be any overlooking onto this property or to the adjacent property beyond (Oak Lea) given that no first floor windows are shown for the flank elevation of this dwelling on this side.
- 11.8 The dwelling for Plot 1 would have a first floor balcony across its rear elevation. This dwelling has been set back behind the dwelling for Plot 2 and it is considered that overlooking from this balcony into the rear garden would not be significant. No amenity objections are therefore raised under ULP Policy GEN2.

E Impact on protected species (ULP Policy GEN7).

- 11.9 The application is accompanied by a Preliminary Ecological Appraisal which has stated in its findings of survey that the site does not contain any natural habitats for protected species, including bats whereby the existing building on the site has found not to contain bats. ECC Ecology have been consulted on the proposal and have not raised any objections to the proposed development based upon the findings of the ecology report subject to conditions and ecology informatives. No objections are therefore raised under ULP Policy GEN7.

F Impact on trees (ULP Policy ENV3).

- 11.10 A line of trees subject to a TPO exist along the SW flank elevation of the site with the sports ground adjacent which have been subject to some recent lopping (TPO 16/96). Three trees which are not subject to the TPO which exist within the interior of the site would have to be removed to facilitate the proposed development and which do not have a high amenity value. The Arboricultural Impact Assessment Report accompanying the application has concluded that the proposed development would not have a harmful impact upon the root system of these protected trees subject to appropriate tree protection conditions and no amenity objections are raised under ULP Policy ENV3 in this respect.

12. CONCLUSION

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

- A The proposed development is acceptable in principle.
- B The design of the proposed dwellings is considered acceptable.
- C Access and parking arrangements are considered acceptable.
- D The development would not have a significant harmful effect on existing residential amenity.
- E The development would not have a harmful effect on protected species.
- F The development would not have a harmful effect on adjacent trees which are subject to a TPO.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

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

2. Prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [for example]:-

- i. proposed finished levels or contours;
- ii. means of enclosure;
- iii. car parking layouts;

- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
- vii. proposed and existing functional services above and below ground (e.g. drainage power,
- viii. communications cables, pipelines etc. indicating lines, manholes, supports.);
- ix. retained historic landscape features and proposals for restoration, where relevant.

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].

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, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

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, GEN8, GEN7, ENV3 and ENV8 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).

5. 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 M1, Volume 1 2015 edition.

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

6. The proposed development shall not be occupied until such time as the vehicle parking and turning areas as indicated on the approved plans have been provided and shall be retained in perpetuity.

REASON: To ensure that vehicles can enter and leave the highway in a forward gear and to ensure that on street parking of vehicles does not occur in the interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

7. The development shall be carried out in accordance with the recommendations made in the Arboricultural Impact Assessment Report, including method statement with reference to such matters as tree protection measures prepared by Landscape Planning Limited dated 2 February 2016.

REASON: To ensure that the trees the subject of Tree Preservation Order 16/96 which exist along the south-western boundary of the site are not impacted by the resulting development.

8. Prior to occupation of the development hereby permitted, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for nocturnal species, particularly bats, and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To ensure that the development does not negatively impact on protected species in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

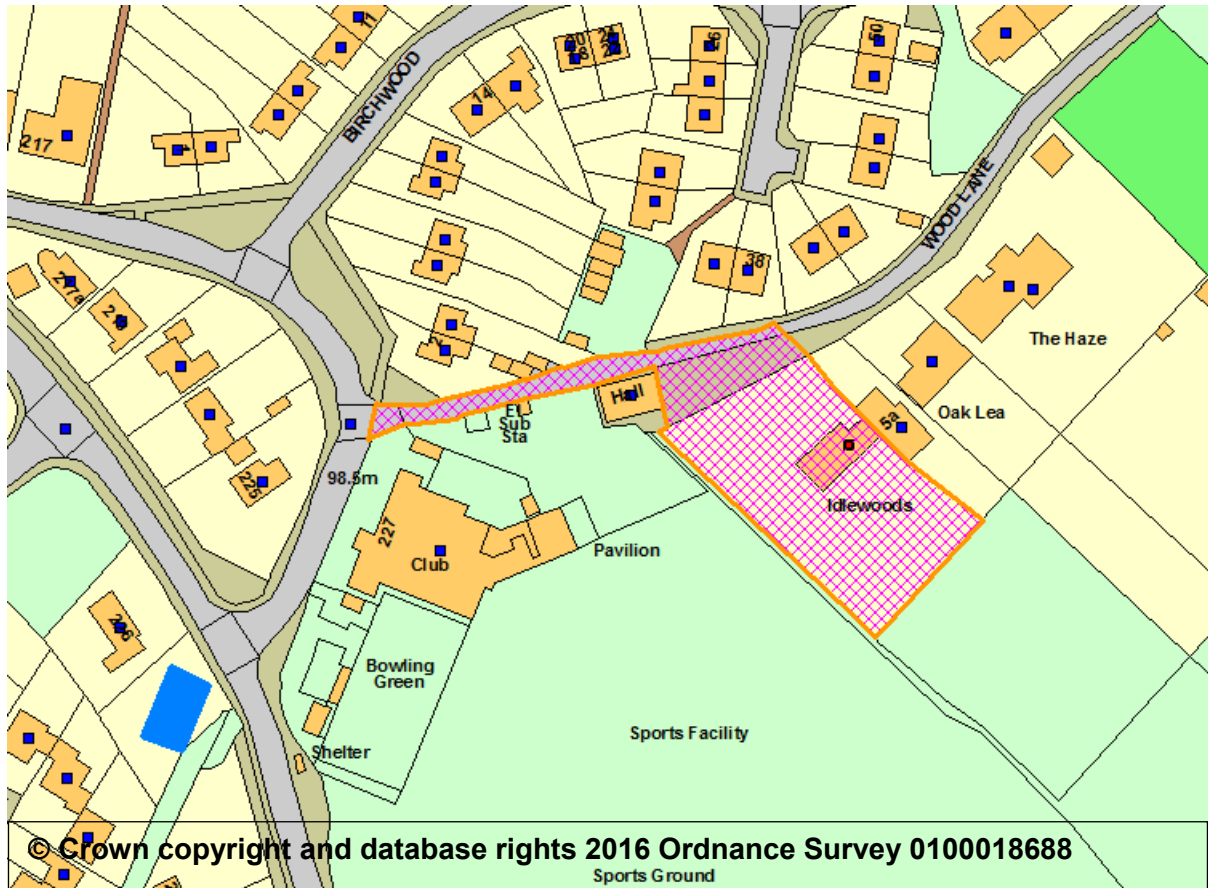
9. A landscape and ecological management plan (LEMP) shall be submitted to and be approved in writing by the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented 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 in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

Application: UTT/17/0128/FUL
Address: 5 Wood Lane, Birchanger



Organisation: Uttlesford District Council
Department: Planning
Date: 26 April 2017

UTT/15/2574/FUL - (NEWPORT)

(Referred to Committee by Cllr Joanna Parry Reason: on the grounds of capacity of the local infrastructure and highway issues)

PROPOSAL: **Erection of 1 no. detached dwelling - Plot 1**

LOCATION: **Hillside And Land To The Rear Of Bury Water Lane Newport**

APPLICANT: **Mr & Mrs Bampton & Barba**

AGENT: **Pelham Structures Ltd**

EXPIRY DATE: **17 November 2016**

CASE OFFICER: **Maria Shoesmith**

1. NOTATION

1.1 Outside Development Limits, Groundwater Source Protection Zone

2. DESCRIPTION OF SITE

2.1 Plot 1 covers an area of 799.5m². The application site is a small section of what was a large plot assessed under the original application for the wider site that was granted outline planning permission in October 2013 for the a care home village and for five dwellings (UTT/13/1817/OP). The wider site is the former cucumber nursery and although redundant, it still retains the glasshouses and other utilitarian commercial buildings in connection with the previous horticultural use. The condition of the buildings is deteriorating. The remainder of the site is hard surfaced, although there is some green space towards the outer boundaries. The greenhouses are in the current process of now being demolished under planning application UTT/16/0459/OP.

2.2 The eastern boundary of the site extends along Whiteditch Lane and the site is located between around 2no. two-storey detached houses (Nos. 3 and 4 Whiteditch Lane) that front onto the Lane and Greenways which is located on the corner of Whiteditch Lane. The proposed five dwellings on Plots 1-5 is proposed to be located either side of these existing dwellings. This application now only relates to the parcel of land to the south of these properties as the planning applications for Plots 3-5 have been withdrawn.

2.3 The southern boundary of the wider site is formed by the rear boundaries of existing detached and semi-detached properties which front on to Bury Water Lane. These all sit in an elevated position relative to the road. The application site slopes down to the rear gardens of these properties. The northern boundary of Greenways that fronts Whiteditch Lane forms the shared boundary with Plot 1, the application site.

2.4 There is a wet drainage ditch that runs along the front of the site with landscaping to the south, north and eastern boundaries.

3. PROPOSAL

3.1 The application is for the proposed erection of a dwelling together with a detached

garage.

- 3.2 The proposed dwelling's core would be 12.8m wide x 15.1m deep. The dwelling would be fundamentally one and half to two-storey with projecting gables are proposed to the front and rear of the dwelling with integrated dormer windows. The scheme would have a height of 7.8m to the ridge.
- 3.3 There would be 3 bedrooms with a main bathroom and two en-suites upstairs. On the ground floor there would be a kitchen/dinner with garden room, sitting room, dining area, utility and wash rooms.
- 3.4 Outline planning permission was granted under UTT/13/1817/OP and reserved matters were granted UTT/14/2900/DFO.
- 3.5 It should be noted that there is a parallel application for Plot 2, UTT/15/2575/FUL, and a overall application for both plots but for the provision of four dwellings as opposed to the two, UTT/17/0436/FUL.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 Town and Country Planning (Environmental Assessment):
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

And

Human Rights Act considerations:

There may be implications under Article 1 and Article 8 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

5. APPLICANT'S CASE

- 5.1 Various Statements have been submitted as part of the planning application submission which includes the following;
 - Site Waste Management Plan Revision A;
 - Report of Conditions and Structural;
 - Lifetime Homes Statement;
 - External Lighting Statement;
 - Heritage Statement;
 - Daylight and Sunlight Statement;
 - Contamination Statement;
 - Tree Survey/Arboricultural Report;
 - Highways Traffic and Transport;
 - Regeneration Statement;
 - Flood Risk Assessment;
 - Sustainability Statement;
 - Sound Control Statement;
 - Utilities Statement;
 - Statement of Community Involvement;
 - Landscape and Visual Assessment;
 - Snow Walker Marketing Report (27 November 2009);
 - Design and Access Statement (7 July 2013);

- Planning Statement (July 2013);
- Reserved Matters Planning Statement (September 2014);

It should be noted that a number of the submitted statements were those which originally accompanied the main outline application for the wider site.

The agent has written in response to the Parish Council's and others comments as highlighted in Section 7 and 9 stating the following:

"For clarification the detailed design of the dwellings with access off Whiteditch Lane is already approved under previous applications and no changes to the design or access is being applied for.

Approval of the applications will not negatively affect the delivery of the balance of the site currently benefitting from outline approval for a care village. You will shortly be receiving a slightly revised application for the care village as a sale is agreed (subject to contract) but the operator requires some changes to the mix of development.

There are no highway grounds that would make the current applications unacceptable in light of the approvals that already exist. I also understand that Essex Highways have raised no objection to the applications."

6. RELEVANT SITE HISTORY

List of committed developments and those under consideration;

2013

1) UTT/13/1769/OP - Land At Bury Water Lane - Outline application for the erection of up to 84 houses of which 40% will be affordable, together with the provision of associated open space, a local area equipped for play (LEAP) and allotments and incorporating alterations to the width and alignment of Bury Water Lane, the provision of a new footway to the north of the Lane and alterations to the junction of the Lane with Whiteditch Lane and the provision of two passing places and a footway to School Lane - Granted 29 November 2013 – (site area is 6.10ha)

UTT/16/1574/DFO - Reserved matters application for the erection of 84 dwellings and related development. Following outline approval UTT/13/1769/OP - details of appearance, landscaping, layout and scale. – Granted 18.11.2016 Conditions are in the process of being discharged and development due to commence shortly.

2) UTT/13/1817/OP - Hillside And Land To The Rear Bury Water Lane - Outline application for redevelopment with a mix of a residential care facility (for illustrative purposes, for 120 persons), separate assisted living units for people over 65 years of age (40 units); associated medical and recreation facilities in a Care Support Facilities block (including mobile medical treatment, hairdresser, etc.); the construction of 5 no. respite care bungalows; and 5 no. detached dwellings (open market housing separate to the care facility) fronting Burywater Lane. Vehicular access to the site would be secured from Burywater Lane following the demolition of the dwellings known as No. 1 & 2 Hillside, Burywater Lane, Newport, Essex CB11 3UA - Granted 30 October 2013 – (site area is 1.98ha)

UTT/14/2900/DFO

UTT/14/2901/DFO These are the reserved matters relating to the 5 dwellings the

main

UTT/14/2902/DFO outline application UTT/13/1817/OP - Details of access,
UTT/14/2903/DFO appearance, landscaping, layout and scale for Plot 1, 2, 3,
4,& UTT/14/2904/DFO 5 – Approved 31 December 2014

- Outline application superseded by UTT/16/0459/OP - Outline planning application for the redevelopment of land to the rear of Bury Water Lane with some matters reserved. The detailed element to consist of engineering works to create a new means of vehicular access to the site involving the demolition of the property known as Ersanmine, Bury Water Lane; works within the front gardens of numbers 1 and 2 Hillside for visibility splay improvement; and associated upgrade works at the junction with Bury Water Lane. The outline element to consist of the development of a residential care home facility (up to 50 beds) together with an extra care development (up to 90 units comprising of apartments and cottages) all within Use Class C2; associated communal facilities; provision of vehicular and cycle parking together with all necessary internal roads and footpaths; provision of open space and associated landscape works; and ancillary works and structures. – Granted 1.11.2016 Demolition works have commenced on site.

- UTT/16/0459/FUL deletes Plots 3 -5 of the above DFO applications

3) UTT/13/1533/FUL - Land Adj Bury Grove Whiteditch Lane - Construction of a new dwelling with garage and associated landscaping - Granted 14 August 2013 (site area is 0.183ha)

UTT/15/1942/FUL - Erection of a pair of detached dwellings and garages – Granted 7.08.2015

4) UTT/13/2553/FUL - Land Adj Holmwood Whiteditch Lane - Proposed new dwelling - Granted 26 November 2013 – (site area is 0.14ha)

5) UTT/13/2973/FUL - Land Adj Branksome Whiteditch Lane - 1 no. Dwelling and cartlodge - Granted 13 March 2014 – (site area is 0.36ha)

6) UTT/13/3234/FUL - Land Adj Holmwood Whiteditch Lane - Erection of 1 no. detached dwelling with detached garage (alternative scheme to that approved under planning permission UTT/13/2553/FUL) - Granted 17 February 2014 – (site area is 0.12ha)

2014

7) UTT/14/1639/FUL - Land Adj Holmwood Whiteditch Lane - Proposed new dwelling (plot 2). Revised - (site area is 0.12ha) - Granted on 8/8/2014

8) UTT/14/1708/FUL - Land North Of Hope Cottage Whiteditch Lane - Proposed two storey five bedroom house with detached garage/carport and associated access - Granted 25 July 2014 (site area is 0.376ha)

9) UTT/14/1794/OP - Land Opposite Branksome, Whiteditch Lane - Outline application with all matters reserved for 15 residential units (incorporating alteration to access road and garage position previously approved under UTT/13/2973/FUL) – Refused – 16/9/2014 – (site area is 0.865ha) – Allowed under appeal 23/7/15

UTT/16/0786/DFO - Details following outline application UTT/14/1794/OP (for the erection of 15 no. dwellings and alteration of access), details of layout, access, scale, landscaping and appearance – Granted 15.12.2016

10) UTT/14/2136/FUL - Tudhope Farm Whiteditch Lane - Proposed dwelling and garage – Granted 30 September 2014. – (site area is 0.144ha)

11) UTT/14/3266/OP Land South of Wyndhams Croft. Outline for 15 dwellings. Granted and later quashed under Judicial Review. Currently being resubmitted, however UTT/14/3266/OP is now currently pending determination following a

screening opinion being issued. – Granted 18.12.2015 (DFO - UTT/15/3824/DFO)
12) UTT/14/3815/FUL- Land Adj Holmwood Whiteditch Lane - Proposed new dwelling - Granted 5 March 2015- (site area is 0.14ha)

2015

13) UTT/15/0879/OP - Land at Holmwood Whiteditch Lane - Outline application for the erection of 12 no. dwellings with all matters reserved except access – Refused planning permission. (Site area is 1.48ha) – Resubmitted see below – Allowed on appeal 24.07.2015

14) UTT/15/1942/FUL – Erection of a pair of detached dwellings and garages – Land Adj Bury Grove Whiteditch Lane – Granted on 7/8/2015

15) UTT/15/1664/FUL - Land Rear Of Branksome - Removal of existing structures and erection of 2 no. detached dwellings and garages – resolved to be granted at 25/8/2015 Planning committee

16) UTT/15/2106/SCO - Land South Of Wyndhams Croft - Request for screening opinion in respect of development of 15 dwellings - No EIA required.

17) UTT/15/3824/DFO - Land South of Wyndhams Croft - Details following outline application UTT/14/3266/OP for 15 dwellings - details of appearance, landscaping and layout – Granted 29.06.2016

2016

18) UTT/16/0280/FUL – Branksome - Part demolition and extension of existing dwelling and erection of 1 no. new dwelling together with cartlodes and access – Granted 5.05.2016

19) UTT/16/0383/SCO - Branksome - Request for a screening opinion in respect of and application for part demolition and extension of existing dwelling and erection of 1 no. New Dwelling together with cartlodes and access – No EIA required

20) UTT/16/0786/DFO - Land Adj Branksome - Details following outline application UTT/14/1794/OP (for the erection of 15 no. dwellings and alteration of access), details of layout, access, scale, landscaping and appearance – Granted 15.12.2016

21) Redbank UTT/16/2538/FUL – Demolition of existing property and the construction of five dwellings including associated parking. Granted 20.01.2017

22) UTT/16/1574/DFO – Sworders site - Reserved matters application for the erection of 84 dwellings and related development .Following outline approval UTT/13/1769/OP - details of appearance, landscaping, layout and scale. – Granted 18.11.2016

23) UTT/15/3423/FUL - Bricketts London Road Newport - Proposed demolition of existing dwelling and erection of 3 replacement dwellings and garages. Granted 22 January 2016

Alternative scheme to above;

24) UTT/16/1290/OP - Bricketts London Road Newport - Outline application, with all matters reserved except for access, for demolition of existing dwelling and erection of up to 11 dwellings with associated access and parking. Granted 29th November 2016

25) UTT/2364/FUL – Land west Cambridge Road Newport - Construction of 34 affordable rural dwellings with roads, parking and open space. Granted 17 March 2016. This is currently under construction.

Outstanding Applications:

23) Applications;

UTT/15/2574/FUL Is for the erection of single detached dwellings on
UTT/15/2575/FUL Plots 1, 2, 3, 4 and 5 in connection with the approve
UTT/15/2576/FUL Outline application UTT/13/1817/OP. Like above
UTT/16/0459/FUL deletes Plots 3 -5 UTT/15/2577/FUL UTT/15/2578/FUL

24) UTT/16/2024/FUL - Development of 20 no. dwellings including access road, cartlodges and associated landscaping

25) UTT/15/3666/FUL - Proposed new dwelling and garage (Revision to planning permission granted under UTT/14/1639/FUL).

26) UTT/17/0140/OP - Land To The East Of Whiteditch Lane (rear of Wydhams Croft) - Outline application with all matters reserved except for access and layout for the demolition of existing outbuildings and the erection of 5 no. detached dwellings with associated amenity spaces and parking.

27) UTT/15/1869/FUL – Land west of London Road - Erection of 94 residential dwellings including flexible mixed use building (Use Classes B1, D1 or D2); open space, landscaping and new access – Currently under appeal following refusal

28) UTT/17/0120/FUL – adjacent to subject site- New pedestrian footpath – Withdrawn

7. POLICIES

Uttlesford Local Plan (2005)

- Policy S7 – Countryside
- Policy GEN1 – Access,
- Policy GEN2 – Design,
- Policy GEN4 – Good Neighbourliness,
- Policy GEN5 – Light Pollution,
- Policy GEN7 – Nature Conservation,
- Policy GEN8 – Vehicle Parking,
- Policy ENV5 – Protection of Agricultural Land,
- Policy ENV12 – Protection of Water Resources,
- Policy ENV14 – Contaminated Land,
- Policy ENV15 – Renewable Energy,
- Policy H1 – Housing Development,
- Policy H3 – New Houses within Development Limits,
- Policy H9 – Affordable Housing,
- Policy H10 – Housing Mix

Supplementary Planning Documents/Guidance

- ECC Parking Standards (September 2009);
- Uttlesford Local Residential Parking Standards (February 2013)
- Energy Efficiency and Renewable Energy (October 2007)
- Essex Design Guide

National Policies

- National Planning Policy Framework

Other Material Considerations

N/A

8. PARISH COUNCIL COMMENTS

8.1 Altering the access to the five houses, of which this is one, from a route along Bury Water Lane and through the Care Village, to one along Bury Water Lane and Whiteditch Lane completely changes the nature of this proposal. While it still uses the same piece of land, it now amounts to part of a new proposal to build five houses on Whiteditch Lane, and accordingly should be treated as such.

- The proposed dwelling would be outside development limits.
- The Planning Statement in support of Reserved Matters Application, point 2.10, states “paragraph 2.1 sets out the rationale for taking access from Whiteditch Lane rather than from the internal estate road for the care village. This would be beneficial for occupants of the new house, would reduce vehicular activity within the care village development and would also provide more accessibly located parking spaces”. The reduction in vehicular activity within the Care Village will improve safety within it. The roads in the Care Village are of a much greater standard than Whiteditch Lane. Turning this development round so that access is via Whiteditch Lane will worsen standards of safety in Whiteditch Lane more than the improvement in the Care Village. This is contradictory if it is supporting the Care Village. Whiteditch Lane is a by-way not an adopted highway
- Whiteditch Lane, Bury Water Lane and School Lane are inadequate for the current traffic and are totally unsuitable for additional housing
- At the point of which Whiteditch Lane meets Bury Water Lane (BWL), BWL has no footpath and sight lines are completely obscured.
- There is no footpath or pavement in the lane which is extremely hazardous and dangerous for pedestrians, especially the disabled or with children requiring pushchairs. If this proposal is to be approved, a condition of the approval should be the provision of a footpath along Whiteditch Lane from its junction with Bury Water Lane as far as this development. If this is not feasible planning permission should be refused
- The narrow lane would be blocked by construction and refuse vehicles and for short periods when existing or proposed biological tanks are emptied and oil deliveries made. Emergency vehicles would be unable to gain access.
- There are occasions when large vehicles have to reverse down the whole length of the lane.
- 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 and Bury Water Lane.
- The five houses that these proposals relate to were included in the Care Village scheme to enable the whole scheme to be viable. Decoupling them from the overall scheme will mean that these five houses will be built, and the Care Village will cease to be viable. To avoid this, if the scheme is to be approved, a condition should be applied that does not permit work to commence on these five houses until the Care Village is complete.
- On the main proposal, site access is shown via Whiteditch Lane whereas on the document produced by the Stilwell Partnership attached to the Stage 1 Road Safety Audit; access is shown via Hillside, which is contradictory.
- Details are included on the plan legend (point 6) of a wheelchair turning circle and lift space within the houses, but there is no provision made on the actual drawing.
- The proposed dwelling by reason of its layout and design is unacceptable by reason of its substandard parking layout resulting in on-street parking to the detriment of the pedestrian and highway safety, contrary to Policies GEN8 and GEN2 of the Uttlesford Local Plan (adopted 2005) and the NPPF.
- At the existing Willow Vale scheme, this is at the junction of Bury Water

Lane/School Lane, cars park at the front of the development. This was not envisaged when this scheme was developed and adequate parking provision was not made. Therefore, single track provision on these drawings will not be adequate.

- In the same way the passing places shown on the plan will be filled by people parking particularly at weekends and it would be impossible to prohibit parking in these bays.
- The distance to the Primary School and village amenities is considered unreasonable in the absence of safe walking routes/pavements in Whiteditch Lane and School Lane. Currently the Primary School is oversubscribed in certain classes.
- There is a significant flood risk; earlier this year the junction of Bury Water Lane and School Lane was totally impassable, which is an occurrence that has been frequent (more than one time per year). At these times no vehicular movement is possible and access to the west side of BWL and all of Whiteditch Lane are impossible. We endorse the concerns expressed by ECC in their letter of 15th October, 2014, copy below.
- We object to the proposal as it is environmentally unsound to have separate sewage systems and we understand this proposal is against UDC planning policy.
- 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 Newport Free Grammar School is open.

This proposal, rather than being a modification of an existing scheme, because of the change in access should be regarded as a new one. Issues of access which should be dealt with at the initial consideration of such a proposal are being deferred to the detail stage, thus circumventing proper consideration at the appropriate point. Whiteditch Lane is wholly inadequate to cope with increased volumes of traffic. Approval of these five schemes will undermine the development of the Care Village, almost certainly leading to a further revised planning application for that site. It should be rejected.

9. CONSULTATIONS

Anglia Water

9.1 No comments.

ECC Ecology

9.2 No objections. The site forms part of a wider parcel of land which Place Services Ecology has been consulted on previously. The piece of land for which this application relates to appears (from recent aerial and street view imagery) to contain greenhouses and some tall ruderal vegetation, which a ditch running parallel to Burywater Lane. All of the surveys recommended in the original Ecological Appraisal (for the wider site) were undertaken (bats, great crested newts and two reptile surveys) and none recorded any presence. Although numerous enhancements were recommended for the wider site, they may not apply to such a small area.

ECC Archaeology

9.3 Potential archaeological implications recommend trial trenching condition.

ECC Highways

9.4 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

10. REPRESENTATIONS

10.1 The surrounding neighbouring occupiers have been consulted of the application. The application has also been advertised on site. Following consultation 11 letters of objections have been received raising the following concerns;

- The application should be described as Whiteditch Lane as opposed to Burywater Lane;
- Speculation as to why the care home developers are not undertaking the dwellings;
- Loss of countryside;
- The submission details relate to the care home scheme and the Whiteditch lane has changed considerably since then, such as traffic;
- The amendments apply to both the dwellings and the care home therefore should not be applied separately;
- Demolition should be done together to avoid unnecessary noise and disturbance;
- There is no mention of alterations to Whiteditch Lane and the highway safety issues remain;
- Confusing documents regarding access;
- Highway and pedestrian safety;
- Construction traffic/ should be minimised on Whiteditch lane;
- The applications for the 5 plots needs to be considered together;
- No passing bays;
- Planning permission should not be granted;
- Scheme should not be considered a sit has been separated from the care home;
- The scheme should be accessed from an alternative means;
- Provision of utilities;
- No street parking
- Original approval stipulates that all demolition and construction work cannot begin until the access road has been constructed on the land currently occupied by the dwellings known as No.1 & 2 Hillside, Bury Water Lane and I see no good reason to change this;
- No maintenance proposed for byway;
- Not in keeping;
- Scheme should only be approved under the original conditions;
- Avoidance of infrastructure upgrading through the loss of conditions;
- No insurance that the care village would be implemented;
- Increase in traffic/congestion;
- Restricted road capacity;
- Similar designed dwellings;
- Obscure glazing on any overlooking windows;
- Dwellings should not front lane;

- Concern that the proposed passing places would be extension the proposed dwellings;
- Cumulative impact should be considered;
- Poor water pressure and sewage disposal;
- Increased water runoff and the risk of flooding;
- Primary reason for allowing the market dwellings was the viability of the care home;
- Construction Traffic Management Plan condition added to reserved matters;
- Application does not specify for any alterations, demolition or re-build therefore a further application should be applied for;

10.2 A letter has been received from Councillor Neil Hargreaves raising the following comments;

- All the previous concerns about the unsuitability of Whiteditch Lane for further houses apply. (Single track byway, no lighting, no footway, a dead end, not wide enough for large vehicles to pass, access is via a blind S bend, and with permissions already granted for 28 houses plus another 30 applied for). The application therefore breaches three parts of UDC Policy GEN1 which says the traffic generated by a development must be 'capable of being accommodated on the surrounding transport network, must 'not compromise road safety and must take account of the needs of cyclists, pedestrians, horse riders and people whose mobility is impaired' and the development 'should encourage movement by means other than driving a car';
- The application claims it is safer to exit onto Whiteditch Lane than via the care complex. The care complex is required to build a new exit bypassing Whiteditch Lane and will have a good standard new two way road within it. This is clearly much safer than accessing via the unsuitable and unsafe Whiteditch Lane;
- These five houses were originally given permission as part of the care home application and neither the houses nor their access was objected to at the time, on grounds that they are part of the funding arrangement for the new road access and other nearby highway improvements and had no impact on Whiteditch Lane. They were allocated no education or health charges or affordable housing contribution. It however appears that this was a ploy to get permission for highly profitable houses on a site identified in the draft Local Plan as commercial. And being set bordering Whiteditch Lane it was likely always the intention to switch access away from the care home to add to their value. This further application appears to be an attempt to now avoid contributing to the highways costs;
- These houses are large full market, but being individual applications they make no contribution of any sort to the local infrastructure or service costs. The original conditions from the permission in 2013 should stand, and as these new applications appear only to obtain a greater profit on permissions already given they should be refused.

11. APPRAISAL

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

- A Principle;
- B The impact of the proposed scale, layout and appearance on the character and amenity of the area;
- C Highways;
- D Other material considerations

A Principle

- 11.1 The site is located outside the development limits for Newport defined by Policy S3 of the Local Plan 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.
- 11.2 The Council has commissioned a Compatibility Assessment which confirms that Policy S7 is partly consistent with the NPPF in that the protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development but that the NPPF takes a positive approach, rather than a protective one. It is considered that although Policy S7 is still relevant to the consideration of this application, there also remains a presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF.
- 11.3 This application was originally submitted prior to the submission of the revised outline care home scheme on the land to the rear, UTT/16/0459/OP, and on the basis to disentangle these plots and their development from the main care home scheme and related conditions and Section 106 Obligations. Since the submission of this application and the adjacent Plot 2, UTT/15/2575/FUL, there have been other applications and development which have delayed the determination of these applications. Nonetheless the principle of two houses on this site has been previously considered under the outline application and reserved matters applications and the location has been deemed to be sustainable.

B The impact of the proposed scale, layout and appearance on the character and amenity of the area (Local Plan Policies GEN2, GEN4, H10, ENV12, ENV15 & SPD: Energy Efficiency and Renewable Energy);

- 11.4 The previous schemes (UTT/14/2900/DFO, UTT/14/2901/DFO, UTT/15/2574/FUL and UTT/15/2575/FUL) for this site involved two out of a total of five dwellings proposed fronting Whiteditch Lane. The other three dwellings fall outside of this application site and now within the larger care home site.
- 11.5 These schemes for Plots 1 and 2 are large traditional housing reflecting the design up and down Whiteditch Lane and of dwellings which have been recently approved. The dwelling will have a height of 7.8m, also be 14.5m wide and 15.5m deep. This would be characterised by a low eaves line with dormer windows to the front rear and sides, and a central gable to the front and rear elevations. This facilitates in reducing the overall massing of the proposed dwelling. Traditional materials are proposed in the form of oak, timber windows and doors, plain clay tiles and smooth render. The garage would also be constructed from painted weatherboarding and

slate roof. Both structures consisting of a brick plinth. The overall design is considered to be acceptable and in accordance with Policy GEN2.

- 11.6 Plot 1 is of a detached dwelling which has a detached two-car deep open garage located to the side of the dwelling. This would be 14m (d) x 4.2m (w) x 4.1m (h). The dimensions of the garage accords with Essex Parking Standards.
- 11.7 The widening of the lane to the extent proposed to provide passing bays would detrimentally alter the character and appearance of the lane and the rural appear of the locality, particularly when considered against passing bays which have been granted as part of another residential scheme opposite this development site. Its reduction and to leave larger sections of the ditch open can be conditioned should planning permission be granted. This would also accord with application's UTT/17/0436/FUL amended design.
- 11.8 The rear garden proposed exceeds Essex Design Guidance in terms of its size, having a garden in excess of 1941sqm.
- 11.9 Due to the siting and design of the dwellings these are unlikely to cause overlooking or impact upon residential or visual amenities of the neighbouring occupiers. There is a distance of 15-20m from the residential property located to the south. The dormer window located on the southern flank overlooking Greenways serves an en-suite. There is a level of landscape screening dividing and screening the site which would be retained and can be further enhanced to soften the proposed scheme. This can be secured through a landscaping condition should planning permission be granted. This is considered to be in accordance with Policy GEN2 and GEN7 of the Local Plan.
- 11.10 The dwellings would be designed to Lifetime Homes standards and are therefore accessible in design, in accordance with Policy GEN2 and Accessible Homes and Playspace SDP.
- 11.11 Overall the proposed scheme is in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

C Highways, Accessibility and Parking (Local Plan Policies GEN1, ENV13 and GEN8);

- 11.12 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 expect to have access.
 - e) The development encourages movement by means other than driving a car."
- 11.13 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework.
- 11.14 Details of the highway implications were previously considered under the outline

application therefore it is not for consideration under this application.

- 11.15 Since the original outline application in 2013 it has become clear that the individual dwellings would be best served by their own independent driveways, served off Whiteditch Lane. Negotiation with prospective operators of the care village has identified an operational need for the market dwellings to be accessed from Whiteditch Lane instead of through the care site. This application reflects this and what was later agreed at the reserved matters stages for these market dwellings.
- 11.16 A Transport Statement has been submitted in support of the application. The rationale behind such road safety has also been considered by Essex County Council as highway authority and they have not raised objection to the proposed access. They have also recommended appropriate planning conditions in order to protect and safeguard other road users. With adequate off-street car parking spaces provided and the proximity of the site to rural bus services overall the proposal can be considered sustainable and in accordance with Policies GEN1 and GEN8.
- 11.17 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. The proposal demonstrates sufficient parking being provided with adequate turning table within the site. This is in accordance with Policy GEN1, GEN2 and GEN8 of the Uttlesford Local Plan, Essex Parking Standard (2009) and Uttlesford Local Parking Standard, and the NPPF.

D Other material considerations;

- 11.18 Due to the size of the application site and the fact that the site also falls within Flood Risk Zone 1 no flood assessment is required. This is in accordance with Local Plan Policy GEN3 and the NPPF. However, there is a drainage ditch which runs along the frontage of the site and separates the site from the Lane. The proposal plans show/implies that this would be in filled. Following discussions with the agent it was stated that this would be culverted. The level of are to be culverted has been reduced. The provision of a bonded drive has been amended to be permeable. Whilst details of the drainage are outside the remit of ECC Suds a licence would need to be obtained to undertake culverting works. This is in accordance with Local Plan Policy GEN3.
- 11.19 Whilst biodiversity and protected species are 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.
- 11.20 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".

- 11.21 An updated Ecological Survey was submitted as part of this application. The Bat Survey submitted dates June 2013 which outlines that there were no Bats in the area and no further Bat Surveys would be required.
- 11.22 No objection has been raised by ECC Ecology subject to conditions. This accords with Local Plan Policy GEN7, and the NPPF's regarding sustainability of developments.
- 11.23 No objection has been raised by the Council's Landscape Officer either. The scheme is therefore considered to accord with Local Plan Policies GEN7 and GEN2, subject to conditions being imposed relating to protective fencing and details of landscaping should planning permission be granted.
- 11.24 There is related contamination issues of which have been commented on by Environmental Health. No objections have been raised subject to conditions should planning permission be granted.
- 11.25 No objections have been raised by ECC Archaeology subject to conditions should planning permission be granted. This is therefore in accordance with Policy ENV4 of the Local Plan.

12. CONCLUSION

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

- A The principle of dwellings on this site is acceptable and the location has been deemed to be sustainable, in accordance with Local Plan Policy S7 and the NPPF.
- B In terms of design the scheme the overall size, scale, layout and appearance is acceptable. No to minimal overlooking and overshadowing is considered. The scheme is in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the Essex Design Guide (2005).
- C With regards to Highways the number of vehicle which would be generated from this proposal, the proposed parking layout and the design of the scheme is considered to be acceptable and in accordance with Local Plan Policies GEN1, GEN2, GEN8 of the Uttlesford Local Plan, Essex Parking Standard (2009) and Uttlesford Local Parking Standard, and the NPPF, subject to conditions should planning permission be granted. This addresses the second reason for refusal.
- D The site also falls within Flood Risk Zone 1 where no flood assessment is required in accordance with Local Plan Policy GEN3 and the NPPF. However, there is a drainage ditch which runs along the frontage of the site and separates the site from the Lane. The proposal plans implies that this would be in filled. Following discussions with the agent it was stated that this would be culverted. The level of culverting has been since reduced. Whilst details of the drainage are outside the

remit of ECC Suds a license would need to be obtained to undertake such works. This is in accordance with Local Plan Policy GEN3.

ECC Ecology raises no objections subject to conditions should planning permission be granted. This is now in accordance with Local Plan Policy GEN7, and the NPPF.

There is related contamination issues of which have been commented on by Environmental Health. No objections have been raised subject to conditions should planning permission be granted.

No objections have been raised by ECC Archaeology subject to conditions should planning permission be granted. This is therefore in accordance with Policy ENV4 of the Local Plan.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

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

2. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
human health, property (existing or proposed) including buildings and service lines and pipes, adjoining land, groundwaters and surface waters and ecological systems. This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11".

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).

3. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been 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), 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.

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).

4. 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 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).

5. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority and work halted on the part of the site affected by the unexpected contamination. An assessment must be undertaken in accordance with the requirements of condition 2, 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 in accordance with the requirements of condition 3. 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 4.

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)

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

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. The proposed development lies just outside the suggested limits of the medieval town, however, there is documentary evidence of a castle being in the vicinity (EHER 234). Initially thought to be in the area of the school, however, excavations here have failed to identify any remains. Recent trial trenching to the west and north of the site identified limited prehistoric occupation (EHER 48597).

7. Prior to the erection of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall thereafter be carried out as approved. These details shall include [for example]:-
 - i. hard surfacing materials;
 - ii. means of enclosure;
 - iii. car parking layouts;
 - iv. other vehicle and pedestrian access and circulation areas;

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities

where appropriate; implementation programme.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

8. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any 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).

9. If within a period of 5 years from the date of planting the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

REASON: To ensure the suitable provision of landscaping within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

10. Prior to the erection of the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development, including windows and doors, hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

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

11. 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 Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace.

12. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on

site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by 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 Local Plan Policies GEN2 and GEN7. Paragraph 109 of the NPPF states that the planning system should seek to enhance the natural environment by providing net gains in biodiversity wherever possible, and incorporating biodiversity in and around developments should also be encouraged under Paragraph 118.

13. A biodiversity management plan (BMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the BMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The BMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The approved plan will be implemented 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 Local Plan policies GEN2 and GEN7. Paragraph 109 of the NPPF states that the planning system should seek to enhance the natural environment by providing net gains in biodiversity wherever possible, and incorporating biodiversity in and around developments should also be encouraged under Paragraph 118.

14. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

15. The first floor dormer flank window for Plot 1 on the southern elevation 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 window.

REASON: To avoid overlooking of the adjacent property in the interests of residential amenity in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

16. Prior to occupation, the northern access shall be constructed to a minimum width of 6 metres, which would allow its use as an informal passing place on Whiteditch Lane. The southern access shall be constructed to a minimum width of 3 metres. The informal passing place shall be retained at all times. Both accesses shall be provided with an appropriate crossing of the highway very.

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 Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

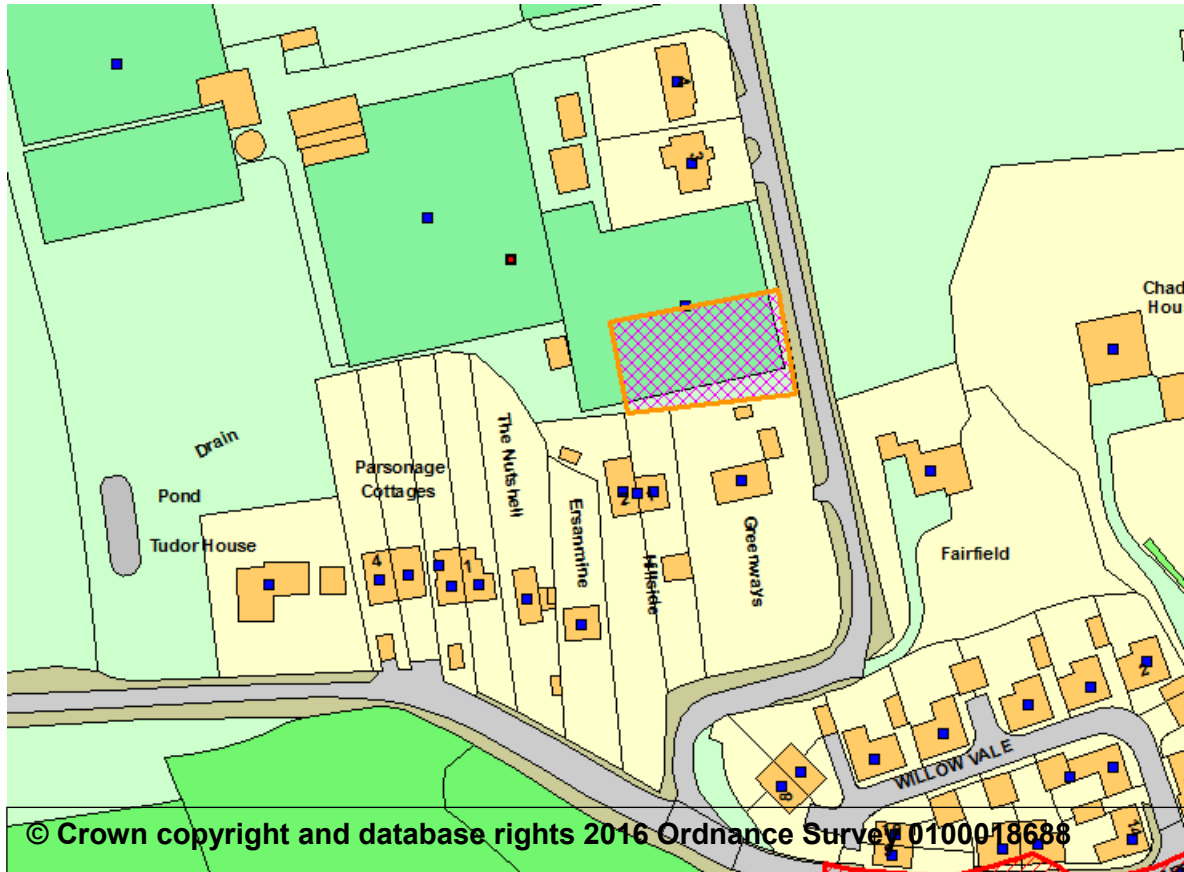
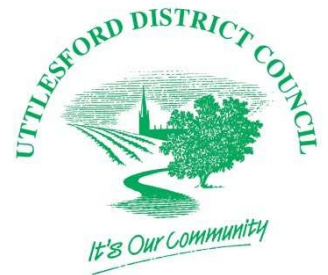
17. The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans has been provided. The vehicle parking areas and associated turning areas shall be retained at all times.

REASON: To ensure that on-street parking of vehicles in the adjoining highway does not occur in the interests of highway safety and that appropriate parking is provided, in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005), Essex Parking Standards (2009) and Uttlesford Parking Standards (2013).

18. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6m from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety, in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

Application: UTT/15/2574/FUL
Address: Hillside and Land to the Rear of Bury Water Lane
Bury Water Lane, Newport



Organisation:	Uttlesford District Council
Department:	Planning
Date:	26 April 2017

UTT/15/2575/FUL - NEWPORT

(Referred to Committee by Cllr Joanna Parry Reason: on the grounds of capacity of the local infrastructure and highway issues)

PROPOSAL: **Erection of 1 no. detached dwelling - Plot 2**

LOCATION: **Hillside and Land to the Rear of Bury Water Lane Newport**

APPLICANT: **Mr & Mrs Bampton & Barba**

AGENT: **Pelham Structures Ltd**

EXPIRY DATE: **17 November 2016**

CASE OFFICER: **Maria Shoemith**

1. NOTATION

1.1 Outside Development Limits, Groundwater Source Protection Zone

2. DESCRIPTION OF SITE

- 2.1 Plot 2 covers an area of 656.25m². The application site is a small section of what was a large plot assessed under the original application for the wider site that was granted outline planning permission in October 2013 for the a care home village and for five dwellings (UTT/13/1817/OP). The wider site is the former cucumber nursery and although redundant, it still retains the glasshouses and other utilitarian commercial buildings in connection with the previous horticultural use. The condition of the buildings is deteriorating. The remainder of the site is hard surfaced, although there is some green space towards the outer boundaries. The greenhouses are in the current process of now being demolished under planning application UTT/16/0459/OP.
- 2.2 The eastern boundary of the site extends along Whiteditch Lane and the site is located between around 2no. two-storey detached houses (Nos. 3 and 4 Whiteditch Lane) that front onto the Lane and Greenways which is located on the corner of Whiteditch Lane. The proposed five dwellings on Plots 1-5 is proposed to be located either side of these existing dwellings. This application now only relates to the parcel of land to the south of these properties as the planning applications for Plots 3-5 have been withdrawn.
- 2.3 The southern boundary of the wider site is formed by the rear boundaries of existing detached and semi-detached properties which front on to Bury Water Lane. These all sit in an elevated position relative to the road. The application site slopes down to the rear gardens of these properties. The northern boundary of Plot 1 forms the shared boundary with Plot 2, the application site.
- 2.4 There is a wet drainage ditch that runs along the front of the site with landscaping to the south, north and eastern boundaries.

3. PROPOSAL

- 3.1 The application is for the proposed erection of a dwelling together with a detached garage.

- 3.2 The proposed dwelling's core would be 11.5m wide x 15.5m deep. The dwelling would be fundamentally one and half to two-storey with projecting gables are proposed to the front and rear of the dwelling with integrated dormer windows. The scheme would have a height of 7.7m to the ridge.
- 3.3 There would be 4 bedrooms with a main bathroom and three en-suites upstairs. On the ground floor there would be a kitchen/dinner with garden room, two sitting rooms, dining area, utility and wash rooms.
- 3.4 Outline planning permission was granted under UTT/13/1817/OP and reserved matters were granted UTT/14/2900/DFO.
- 3.5 It should be noted that there is a parallel application for Plot 1, UTT/15/2574/FUL, and an overall application for both plots but for the provision of four dwellings as opposed to the two, UTT/17/0436/FUL.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 Town and Country Planning (Environmental Assessment):
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

And

Human Rights Act considerations:

There may be implications under Article 1 and Article 8 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

5. APPLICANT'S CASE

- 5.1 Various Statements have been submitted as part of the planning application submission which includes the following;

- Site Waste Management Plan Revision A;
- Report of Conditions and Structural;
- Lifetime Homes Statement;
- External Lighting Statement;
- Heritage Statement;
- Daylight and Sunlight Statement;
- Contamination Statement;
- Tree Survey/Arboricultural Report;
- Highways Traffic and Transport;
- Regeneration Statement;
- Flood Risk Assessment;
- Sustainability Statement;
- Sound Control Statement;
- Utilities Statement;
- Statement of Community Involvement;
- Landscape and Visual Assessment;
- Snow Walker Marketing Report (27 November 2009);
- Design and Access Statement (7 July 2013);

- Planning Statement (July 2013);
- Reserved Matters Planning Statement (September 2014);

5.2 It should be noted that a number of the submitted statements were those which originally accompanied the main outline application for the wider site.

5.3 The agent has written in response to the Parish Council's and others comments as highlighted in Section 7 and 9 stating the following:
 "For clarification the detailed design of the dwellings with access off Whiteditch Lane is already approved under previous applications and no changes to the design or access is being applied for.

Approval of the applications will not negatively affect the delivery of the balance of the site currently benefitting from outline approval for a care village. You will shortly be receiving a slightly revised application for the care village as a sale is agreed (subject to contract) but the operator requires some changes to the mix of development.

There are no highway grounds that would make the current applications unacceptable in light of the approvals that already exist. I also understand that Essex Highways have raised no objection to the applications."

6. RELEVANT SITE HISTORY

List of committed developments and those under consideration;

2013

1) UTT/13/1769/OP - Land At Bury Water Lane - Outline application for the erection of up to 84 houses of which 40% will be affordable, together with the provision of associated open space, a local area equipped for play (LEAP) and allotments and incorporating alterations to the width and alignment of Bury Water Lane, the provision of a new footway to the north of the Lane and alterations to the junction of the Lane with Whiteditch Lane and the provision of two passing places and a footway to School Lane - Granted 29 November 2013 – (site area is 6.10ha)

UTT/16/1574/DFO - Reserved matters application for the erection of 84 dwellings and related development. Following outline approval UTT/13/1769/OP - details of appearance, landscaping, layout and scale. – Granted 18.11.2016 Conditions are in the process of being discharged and development due to commence shortly.

2) UTT/13/1817/OP - Hillside And Land To The Rear Bury Water Lane - Outline application for redevelopment with a mix of a residential care facility (for illustrative purposes, for 120 persons), separate assisted living units for people over 65 years of age (40 units); associated medical and recreation facilities in a Care Support Facilities block (including mobile medical treatment, hairdresser, etc.); the construction of 5 no. respite care bungalows; and 5 no. detached dwellings (open market housing separate to the care facility) fronting Burywater Lane. Vehicular access to the site would be secured from Burywater Lane following the demolition of the dwellings known as No. 1 & 2 Hillside, Burywater Lane, Newport, Essex CB11 3UA - Granted 30 October 2013 – (site area is 1.98ha)

UTT/14/2900/DFO

UTT/14/2901/DFO These are the reserved matters relating to the 5 dwellings the main

UTT/14/2902/DFO outline application UTT/13/1817/OP - Details of access,

UTT/14/2903/DFO appearance, landscaping, layout and scale for Plot 1, 2, 3, 4,&
UTT/14/2904/DFO 5 – Approved 31 December 2014

- Outline application superseded by UTT/16/0459/OP - Outline planning application for the redevelopment of land to the rear of Bury Water Lane with some matters reserved. The detailed element to consist of engineering works to create a new means of vehicular access to the site involving the demolition of the property known as Ersanmine, Bury Water Lane; works within the front gardens of numbers 1 and 2 Hillside for visibility splay improvement; and associated upgrade works at the junction with Bury Water Lane. The outline element to consist of the development of a residential care home facility (up to 50 beds) together with an extra care development (up to 90 units comprising of apartments and cottages) all within Use Class C2; associated communal facilities; provision of vehicular and cycle parking together with all necessary internal roads and footpaths; provision of open space and associated landscape works; and ancillary works and structures. – Granted 1.11.2016 Demolition works have commenced on site.
 - UTT/16/0459/FUL deletes Plots 3 -5 of the above DFO applications
- 3) UTT/13/1533/FUL - Land Adj Bury Grove Whiteditch Lane - Construction of a new dwelling with garage and associated landscaping - Granted 14 August 2013 (site area is 0.183ha)
UTT/15/1942/FUL - Erection of a pair of detached dwellings and garages – Granted 7.08.2015
 - 4) UTT/13/2553/FUL - Land Adj Holmwood Whiteditch Lane - Proposed new dwelling - Granted 26 November 2013 – (site area is 0.14ha)
 - 5) UTT/13/2973/FUL - Land Adj Branksome Whiteditch Lane - 1 no. Dwelling and cartlodge - Granted 13 March 2014 – (site area is 0.36ha)
 - 6) UTT/13/3234/FUL - Land Adj Holmwood Whiteditch Lane - Erection of 1 no. detached dwelling with detached garage (alternative scheme to that approved under planning permission UTT/13/2553/FUL) - Granted 17 February 2014 – (site area is 0.12ha)

2014

- 7) UTT/14/1639/FUL - Land Adj Holmwood Whiteditch Lane - Proposed new dwelling (plot 2). Revised - (site area is 0.12ha) - Granted on 8/8/2014
- 8) UTT/14/1708/FUL - Land North Of Hope Cottage Whiteditch Lane - Proposed two storey five bedroom house with detached garage/carport and associated access - Granted 25 July 2014 (site area is 0.376ha)
- 9) UTT/14/1794/OP - Land Opposite Branksome, Whiteditch Lane - Outline application with all matters reserved for 15 residential units (incorporating alteration to access road and garage position previously approved under UTT/13/2973/FUL) – Refused – 16/9/2014 – (site area is 0.865ha) – Allowed under appeal 23/7/15
UTT/16/0786/DFO - Details following outline application UTT/14/1794/OP (for the erection of 15 no. dwellings and alteration of access), details of layout, access, scale, landscaping and appearance – Granted 15.12.2016
- 10) UTT/14/2136/FUL - Tudhope Farm Whiteditch Lane - Proposed dwelling and garage – Granted 30 September 2014. – (site area is 0.144ha)
- 11) UTT/14/3266/OP Land South of Wyndhams Croft. Outline for 15 dwellings. Granted and later quashed under Judicial Review. Currently being resubmitted, however UTT/14/3266/OP is now currently pending determination following a screening opinion being issued. – Granted 18.12.2015 (DFO - UTT/15/3824/DFO)
- 12) UTT/14/3815/FUL- Land Adj Holmwood Whiteditch Lane - Proposed new dwelling - Granted 5 March 2015- (site area is 0.14ha)

2015

- 13) UTT/15/0879/OP - Land at Holmwood Whiteditch Lane - Outline application for the erection of 12 no. dwellings with all matters reserved except access – Refused planning permission. (Site area is 1.48ha) – Resubmitted see below – Allowed on appeal 24.07.2015
- 14) UTT/15/1942/FUL – Erection of a pair of detached dwellings and garages – Land Adj Bury Grove Whiteditch Lane – Granted on 7/8/2015
- 15) UTT/15/1664/FUL - Land Rear Of Branksome - Removal of existing structures and erection of 2 no. detached dwellings and garages – resolved to be granted at 25/8/2015 Planning committee
- 16) UTT/15/2106/SCO - Land South Of Wyndhams Croft - Request for screening opinion in respect of development of 15 dwellings - No EIA required.
- 17) UTT/15/3824/DFO - Land South of Wyndhams Croft - Details following outline application UTT/14/3266/OP for 15 dwellings - details of appearance, landscaping and layout – Granted 29.06.2016

2016

- 18) UTT/16/0280/FUL – Branksome - Part demolition and extension of existing dwelling and erection of 1 no. new dwelling together with cartlodes and access – Granted 5.05.2016
- 19) UTT/16/0383/SCO - Branksome - Request for a screening opinion in respect of and application for part demolition and extension of existing dwelling and erection of 1 no. New Dwelling together with cartlodes and access – No EIA required
- 20) UTT/16/0786/DFO - Land Adj Branksome - Details following outline application UTT/14/1794/OP (for the erection of 15 no. dwellings and alteration of access), details of layout, access, scale, landscaping and appearance – Granted 15.12.2016
- 21) Redbank UTT/16/2538/FUL – Demolition of existing property and the construction of five dwellings including associated parking. Granted 20.01.2017
- 22) UTT/16/1574/DFO – Sworders site - Reserved matters application for the erection of 84 dwellings and related development .Following outline approval UTT/13/1769/OP - details of appearance, landscaping, layout and scale. – Granted 18.11.2016
- 23) UTT/15/3423/FUL - Bricketts London Road Newport - Proposed demolition of existing dwelling and erection of 3 replacement dwellings and garages. Granted 22 January 2016

Alternative scheme to above;

- 24) UTT/16/1290/OP - Bricketts London Road Newport - Outline application, with all matters reserved except for access, for demolition of existing dwelling and erection of up to 11 dwellings with associated access and parking. Granted 29th November 2016
- 25) UTT/2364/FUL – Land west Cambridge Road Newport - Construction of 34 affordable rural dwellings with roads, parking and open space. Granted 17 March 2016. This is currently under construction.

Outstanding Applications:

23) Applications;

UTT/15/2574/FUL Is for the erection of single detached dwellings on UTT/15/2575/FUL Plots 1, 2, 3, 4 and 5 in connection with the approve UTT/15/2576/FUL Outline application UTT/13/1817/OP. Like above UTT/16/0459/FUL deletes Plots 3 -5 UTT/15/2577/FUL UTT/15/2578/FUL

- 24) UTT/16/2024/FUL - Development of 20 no. dwellings including access road, cartlodes and associated landscaping
- 25) UTT/15/3666/FUL - Proposed new dwelling and garage (Revision to planning permission granted under UTT/14/1639/FUL).
- 26) UTT/17/0140/OP - Land To The East Of Whiteditch Lane (rear of Wydhams Croft) - Outline application with all matters reserved except for access and layout for the demolition of existing outbuildings and the erection of 5 no. detached dwellings with associated amenity spaces and parking.
- 27) UTT/15/1869/FUL – Land west of London Road - Erection of 94 residential dwellings including flexible mixed use building (Use Classes B1, D1 or D2); open space, landscaping and new access – Currently under appeal following refusal
- 28) UTT/17/0120/FUL – adjacent to subject site- New pedestrian footpath – Withdrawn

7. POLICIES

7.1 National Policies

- National Planning Policy Framework

7.2 Uttlesford District Local Plan 2005

- Policy S7 – Countryside
- Policy GEN1 – Access,
- Policy GEN2 – Design,
- Policy GEN4 – Good Neighbourliness,
- Policy GEN5 – Light Pollution,
- Policy GEN7 – Nature Conservation,
- Policy GEN8 – Vehicle Parking,
- Policy ENV5 – Protection of Agricultural Land,
- Policy ENV12 – Protection of Water Resources,
- Policy ENV14 – Contaminated Land,
- Policy ENV15 – Renewable Energy,
- Policy H1 – Housing Development,
- Policy H3 – New Houses within Development Limits,
- Policy H9 – Affordable Housing,
- Policy H10 – Housing Mix

7.3 Supplementary Planning Documents:

- ECC Parking Standards (September 2009);
- Uttlesford Local Residential Parking Standards (February 2013)
- Energy Efficiency and Renewable Energy (October 2007)

8. PARISH COUNCIL COMMENTS

8.1 Altering the access to the five houses, of which this is one, from a route along Bury Water Lane and through the Care Village, to one along Bury Water Lane and Whiteditch Lane completely changes the nature of this proposal. While it still uses the same piece of land, it now amounts to part of a new proposal to build five houses on Whiteditch Lane, and accordingly should be treated as such.

- The proposed dwelling would be outside development limits.
- The Planning Statement in support of Reserved Matters Application, point 2.10, states “paragraph 2.1 sets out the rationale for taking access from Whiteditch Lane rather than from the internal estate road for the care village. This would be beneficial

for occupants of the new house, would reduce vehicular activity within the care village development and would also provide more accessibly located parking spaces". The reduction in vehicular activity within the Care Village will improve safety within it. The roads in the Care Village are of a much greater standard than Whiteditch Lane. Turning this development round so that access is via Whiteditch Lane will worsen standards of safety in Whiteditch Lane more than the improvement in the Care Village. This is contradictory if it is supporting the Care Village. Whiteditch Lane is a by-way not an adopted highway

- Whiteditch Lane, Bury Water Lane and School Lane are inadequate for the current traffic and are totally unsuitable for additional housing
- At the point of which Whiteditch Lane meets Bury Water Lane (BWL), BWL has no footpath and sight lines are completely obscured.
- There is no footpath or pavement in the lane which is extremely hazardous and dangerous for pedestrians, especially the disabled or with children requiring pushchairs. If this proposal is to be approved, a condition of the approval should be the provision of a footpath along Whiteditch Lane from its junction with Bury Water Lane as far as this development. If this is not feasible planning permission should be refused
- The narrow lane would be blocked by construction and refuse vehicles and for short periods when existing or proposed biological tanks are emptied and oil deliveries made. Emergency vehicles would be unable to gain access.
- There are occasions when large vehicles have to reverse down the whole length of the lane.
- 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 and Bury Water Lane.
- The five houses that these proposals relate to were included in the Care Village scheme to enable the whole scheme to be viable. Decoupling them from the overall scheme will mean that these five houses will be built, and the Care Village will cease to be viable. To avoid this, if the scheme is to be approved, a condition should be applied that does not permit work to commence on these five houses until the Care Village is complete.
- On the main proposal, site access is shown via Whiteditch Lane whereas on the document produced by the Stilwell Partnership attached to the Stage 1 Road Safety Audit, access is shown via Hillside, which is contradictory.
- Details are included on the plan legend (point 6) of a wheelchair turning circle and lift space within the houses, but there is no provision made on the actual drawing.
- The proposed dwelling by reason of its layout and design is unacceptable by reason of its substandard parking layout resulting in on-street parking to the detriment of the pedestrian and highway safety, contrary to Policies GEN8 and GEN2 of the Uttlesford Local Plan (adopted 2005) and the NPPF.
- At the existing Willow Vale scheme, which is at the junction of Bury Water Lane/School Lane, cars park at the front of the development. This was not envisaged when this scheme was developed and adequate parking provision was not made. Therefore, single track provision on these drawings will not be adequate.
- In the same way the passing places shown on the plan will be filled by people parking particularly at weekends and it would be impossible to prohibit parking in these bays.
- The distance to the Primary School and village amenities is considered unreasonable in the absence of safe walking routes/pavements in Whiteditch Lane and School Lane. Currently the Primary School is oversubscribed in certain classes.
- There is a significant flood risk; earlier this year the junction of Bury Water Lane and School Lane was totally impassable, which is an occurrence that has been frequent (more than one time per year). At these times no vehicular movement is possible and access to the west side of BWL and all of Whiteditch Lane are impossible. We

endorse the concerns expressed by ECC in their letter of 15th October, 2014, copy below.

- We object to the proposal as it is environmentally unsound to have separate sewage systems and we understand this proposal is against UDC planning policy.
- 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 Newport Free Grammar School is open.

8.2 This proposal, rather than being a modification of an existing scheme, because of the change in access should be regarded as a new one. Issues of access which should be dealt with at the initial consideration of such a proposal, are being deferred to the detail stage, thus circumventing proper consideration at the appropriate point. Whiteditch Lane is wholly inadequate to cope with increased volumes of traffic. Approval of these five schemes will undermine the development of the Care Village, almost certainly leading to a further revised planning application for that site. It should be rejected.

9. CONSULTATIONS

Anglia Water

9.1 No comments.

ECC Ecology

9.2 No objections. The site forms part of a wider parcel of land which Place Services Ecology has been consulted on previously. The piece of land for which this application relates to appears (from recent aerial and street view imagery) to contain greenhouses and some tall ruderal vegetation, which a ditch running parallel to Burywater Lane. All of the surveys recommended in the original Ecological Appraisal (for the wider site) were undertaken (bats, great crested newts and two reptile surveys) and none recorded any presence. Although numerous enhancements were recommended for the wider site, they may not apply to such a small area.

ECC Archaeology

9.3 Potential archaeological implications recommend trial trenching condition.

ECC Highways

9.4 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

10. REPRESENTATIONS

10.1 The surrounding neighbouring occupiers have been consulted of the application. The application has also been advertised on site. Following consultation 11 letters of objections have been received raising the following concerns;

- The application should be described as Whiteditch Lane as opposed to Burywater Lane;
- Speculation as to why the care home developers are not undertaking the dwellings;
- Loss of countryside;
- The submission details relate to the care home scheme and the Whiteditch lane has

- changed considerably since then, such as traffic;
- The amendments apply to both the dwellings and the care home therefore should not be applied separately;
 - Demolition should be done together to avoid unnecessary noise and disturbance;
 - There is no mention of alterations to Whiteditch Lane and the highway safety issues remain;
 - Confusing documents regarding access;
 - Highway and pedestrian safety;
 - Construction traffic/ should be minimised on Whiteditch lane;
 - The applications for the 5 plots needs to be considered together;
 - No passing bays;
 - Planning permission should not be granted;
 - Scheme should not be considered a sit has been separated from the care home;
 - The scheme should be accessed from an alternative means;
 - Provision of utilities;
 - No street parking
 - Original approval stipulates that all demolition and construction work cannot begin until the access road has been constructed on the land currently occupied by the dwellings known as No.1 & 2 Hillside, Bury Water Lane and I see no good reason to change this;
 - No maintenance proposed for byway;
 - Not in keeping;
 - Scheme should only be approved under the original conditions;
 - Avoidance of infrastructure upgrading through the loss of conditions;
 - No insurance that the care village would be implemented;
 - Increase in traffic/congestion;
 - Restricted road capacity;
 - Similar designed dwellings;
 - Obscure glazing on any overlooking windows;
 - Dwellings should not front lane;
 - Concern that the proposed passing places would be extension the proposed dwellings;
 - Cumulative impact should be considered;
 - Poor water pressure and sewage disposal;
 - Increased water runoff and the risk of flooding;
 - Primary reason for allowing the market dwellings was the viability of the care home;
 - Construction Traffic Management Plan condition added to reserved matters;
 - Application does not specify for any alterations, demolition or re-build therefore a further application should be applied for;

10.2 A letter has been received from Councillor Neil Hargreaves raising the following comments;

- All the previous concerns about the unsuitability of Whiteditch Lane for further houses apply. (Single track byway, no lighting, no footway, a dead end, not wide enough for large vehicles to pass, access is via a blind S bend, and with permissions already granted for 28 houses plus another 30 applied for). The application therefore breaches three parts of UDC Policy GEN1 which says the traffic generated by a development must be 'capable of being accommodated on the surrounding transport network, must 'not compromise road safety and must take account of the needs of cyclists, pedestrians, horse riders and people whose mobility is impaired' and the development 'should encourage movement by means

other than driving a car’;

- The application claims it is safer to exit onto Whiteditch Lane than via the care complex. The care complex is required to build a new exit bypassing Whiteditch Lane and will have a good standard new two way road within it. This is clearly much safer than accessing via the unsuitable and unsafe Whiteditch Lane;
- These five houses were originally given permission as part of the care home application and neither the houses nor their access was objected to at the time, on grounds that they are part of the funding arrangement for the new road access and other nearby highway improvements and had no impact on Whiteditch Lane. They were allocated no education or health charges or affordable housing contribution. It however appears that this was a ploy to get permission for highly profitable houses on a site identified in the draft Local Plan as commercial. And being set bordering Whiteditch Lane it was likely always the intention to switch access away from the care home to add to their value. This further application appears to be an attempt to now avoid contributing to the highways costs;
- These houses are large full market, but being individual applications they make no contribution of any sort to the local infrastructure or service costs. The original conditions from the permission in 2013 should stand, and as these new applications appear only to obtain a greater profit on permissions already given they should be refused.

11. APPRAISAL

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

- A Principle;
- B The impact of the proposed scale, layout and appearance on the character and amenity of the area;
- C Highways;
- D Other material considerations

A Principle

- 11.1 The site is located outside the development limits for Newport defined by Policy S3 of the Local Plan 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.
- 11.2 The Council has commissioned a Compatibility Assessment which confirms that Policy S7 is partly consistent with the NPPF in that the protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development but that the NPPF takes a positive approach, rather than a protective one. It is considered that although Policy S7 is still relevant to the consideration of this application, there also remains a presumption in favour of sustainable development as

set out in Paragraph 14 of the NPPF.

- 11.3 This application was originally submitted prior to the submission of the revised outline care home scheme on the land to the rear, UTT/16/0459/OP, and on the basis to disentangle these plots and their development from the main care home scheme and related conditions and Section 106 Obligations. Since the submission of this application and the adjacent Plot 1, UTT/15/2574/FUL, there have been other applications and development which have delayed the determination of these applications. Nonetheless the principle of two houses on this site has been previously considered under the outline application and reserved matters applications and the location has been deemed to be sustainable.

B The impact of the proposed scale, layout and appearance on the character and amenity of the area (Local Plan Policies GEN2, GEN4, H10, ENV12, ENV15 & SPD: Energy Efficiency and Renewable Energy);

- 11.4 The previous schemes (UTT/14/2900/DFO, UTT/14/2901/DFO, UTT/15/2574/FUL and UTT/15/2575/FUL) for this site involved two out of a total of five dwellings proposed fronting Whiteditch Lane. The other three dwellings fall outside of this application site and now within the larger care home site.

- 11.5 These schemes for Plots 1 and 2 are large traditional housing reflecting the design up and down Whiteditch Lane and of dwellings which have been recently approved. The dwelling will have a height of 7.7m, also be 11.5m wide and 15.5m deep. This would be characterised by hipped roofs and gables which would have a mixture pallet of materials, cladding, brick and render. This facilitates in reducing the overall massing of the proposed dwelling. The garage would also be constructed from painted weatherboarding and slate roof. Both structures consisting of a brick plinth. The overall design is consider to be acceptable and in accordance with Policy GEN2.

- 11.6 Plot 2 is of a detached dwelling which has a detached two-car deep open garage located to the side of the dwelling. This would be 14.2m (d) x 4m (w) x 4.1m (h). The dimensions of the garage accords with Essex Parking Standards.

- 11.7 The widening of the lane to the extent proposed to provide passing bays would detrimentally alter the character and appearance of the lane and the rural appear of the locality, particularly when considered against passing bays which have been granted as part of another residential scheme opposite this development site. Its reduction and to leave larger sections of the ditch open can be conditioned should planning permission be granted. This would also accord with application's UTT/17/0436/FUL amended design.

- 11.8 The rear garden proposed exceeds Essex Design Guidance in terms of its size, having a garden in excess of 1728.75sqm.

- 11.9 Due to the siting and design of the dwellings these are unlikely to cause overlooking or impact upon residential or visual amenities of the neighbouring occupiers. There is a distance of 17m from Plot 1 located to the south. The window located on the northern flank overlooking 3 Whiteditch Lane serves an en-suite. There is a level of landscape screening the site which would be retained and can be further enhanced to soften the proposed scheme. This can be secured through a landscaping condition should planning permission be granted. This is considered to be in accordance with Policy GEN2 and GEN7 of the Local Plan.

- 11.10 The dwellings would be designed to Lifetime Homes standards and are therefore

accessible in design, in accordance with Policy GEN2 and Accessible Homes and Playspace SDP.

11.11 Overall the proposed scheme is in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

C Highways, Accessibility and Parking (Local Plan Policies GEN1, ENV13 and GEN8);

11.12 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 expect to have access.
- e) The development encourages movement by means other than driving a car.”

11.13 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework.

11.14 Details of the highway implications were previously considered under the outline application therefore it is not for consideration under this application.

11.15 Since the original outline application in 2013 it has become clear that the individual dwellings would be best served by their own independent driveways, served off Whiteditch Lane. Negotiation with prospective operators of the care village has identified an operational need for the market dwellings to be accessed from Whiteditch Lane instead of through the care site. This application reflects this and what was later agreed at the reserved matters stages for these market dwellings.

11.16 A Transport Statement has been submitted in support of the application. The rationale behind such road safety has also been considered by Essex County Council as highway authority and they have not raised objection to the proposed access. They have also recommended appropriate planning conditions in order to protect and safeguard other road users. With adequate off-street car parking spaces provided and the proximity of the site to rural bus services overall the proposal can be considered sustainable and in accordance with Policies GEN1 and GEN8.

11.17 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. The proposal demonstrates sufficient parking being provided with adequate turning table within the site. This is in accordance with Policy GEN1, GEN2 and GEN8 of the Uttlesford Local Plan, Essex Parking Standard (2009) and Uttlesford Local Parking Standard, and the NPPF.

D Other material considerations;

11.18 Due to the size of the application site and the fact that the site also falls within Flood

Risk Zone 1 no flood assessment is required. This is in accordance with Local Plan Policy GEN3 and the NPPF. However, there is a drainage ditch which runs along the frontage of the site and separates the site from the Lane. The proposal plans show/implies that this would be in filled. Following discussions with the agent it was stated that this would be culverted. The level of are to be culverted has been reduced. The provision of a bonded drive has been amended to be permeable. Whilst details of the drainage are outside the remit of ECC Suds a licence would need to be obtained to undertake culverting works. This is in accordance with Local Plan Policy GEN3.

- 11.19 Whilst biodiversity and protected species are 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.
- 11.20 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".
- 11.21 An updated Ecological Survey was submitted as part of this application. The Bat Survey submitted dates June 2013 which outlines that there were no Bats in the area and no further Bat Surveys would be required.
- 11.22 No objection has been raised by ECC Ecology subject to conditions. This accords with Local Plan Policy GEN7, and the NPPF's regarding sustainability of developments.
- 11.23 No objection has been raised by the Council's Landscape Officer either. The scheme is therefore considered to accord with Local Plan Policies GEN7 and GEN2, subject to conditions being imposed relating to protective fencing and details of landscaping should planning permission be granted.
- 11.24 There is related contamination issues of which have been commented on by Environmental Health. No objections have been raised subject to conditions should planning permission be granted.
- 11.25 No objections have been raised by ECC Archaeology subject to conditions should planning permission be granted. This is therefore in accordance with Policy ENV4 of the Local Plan.

12. CONCLUSION

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

- A The principle of dwellings on this site is acceptable and the location has been deemed to be sustainable, in accordance with Local Plan Policy S7 and the NPPF.
- B In terms of design the scheme the overall size, scale, layout and appearance is acceptable. No to minimal overlooking and overshadowing is considered. The scheme is in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the Essex Design Guide (2005).
- C With regards to Highways the number of vehicle which would be generated from this proposal, the proposed parking layout and the design of the scheme is considered to be acceptable and in accordance with Local Plan Policies GEN1, GEN2, GEN8 of the Uttlesford Local Plan, Essex Parking Standard (2009) and Uttlesford Local Parking Standard, and the NPPF, subject to conditions should planning permission be granted. This addresses the second reason for refusal.
- D The site also falls within Flood Risk Zone 1 where no flood assessment is required in accordance with Local Plan Policy GEN3 and the NPPF. However, there is a drainage ditch which runs along the frontage of the site and separates the site from the Lane. The proposal plans implies that this would be in filled. Following discussions with the agent it was stated that this would be culverted. The level of culverting has been since reduced. Whilst details of the drainage are outside the remit of ECC Suds a licence would need to be obtained to undertake such works. This is in accordance with Local Plan Policy GEN3.

ECC Ecology raises no objections subject to conditions should planning permission be granted. This is now in accordance with Local Plan Policy GEN7, and the NPPF.

There is related contamination issues of which have been commented on by Environmental Health. No objections have been raised subject to conditions should planning permission be granted.

No objections have been raised by ECC Archaeology subject to conditions should planning permission be granted. This is therefore in accordance with Policy ENV4 of the Local Plan.

RECOMMENDATION – CONDITIONAL APPROVAL

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. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(i) a survey of the extent, scale and nature of contamination;
(ii) an assessment of the potential risks to:
human health, property (existing or proposed) including buildings and service lines and pipes, adjoining land, groundwaters and surface waters and ecological systems. This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11".

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).

3. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been 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), 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.

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).

4. 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 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).

5. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority and work halted on the part of the site affected by the unexpected contamination. An assessment must be undertaken in accordance with the requirements of condition 2, 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 in accordance with the requirements of condition 3. 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 4.

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)

6. No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and

approved by the planning authority.

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. The proposed development lies just outside the suggested limits of the medieval town; however, there is documentary evidence of a castle being in the vicinity (EHER 234). Initially thought to be in the area of the school, however, excavations here have failed to identify any remains. Recent trial trenching to the west and north of the site identified limited prehistoric occupation (EHER 48597).

7. Prior to the erection of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall thereafter be carried out as approved. These details shall include [for example]:-
 - i. hard surfacing materials;
 - ii. means of enclosure;
 - iii. car parking layouts;
 - iv. other vehicle and pedestrian access and circulation areas;

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

8. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any 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).

9. If within a period of 5 years from the date of planting the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

REASON: To ensure the suitable provision of landscaping within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

10. Prior to the erection of the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development, including windows and doors, hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

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

11. 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 Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace.

12. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by 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 Local Plan Policies GEN2 and GEN7. Paragraph 109 of the NPPF states that the planning system should seek to enhance the natural environment by providing net gains in biodiversity wherever possible, and incorporating biodiversity in and around developments should also be encouraged under Paragraph 118.

13. A biodiversity management plan (BMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the BMP shall include the following:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The BMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented 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 Local Plan policies GEN2 and GEN7. Paragraph 109 of the NPPF states that the planning system should seek to enhance the natural environment by providing net gains in biodiversity wherever possible, and incorporating biodiversity in and around developments should also be encouraged under Paragraph 118.

14. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

15. The first floor flank window for Plot 2 on the northern elevation 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 window.

REASON: To avoid overlooking of the adjacent property in the interests of residential amenity in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

16. Prior to occupation, the northern access shall be constructed to a minimum width of 6 metres, which would allow its use as an informal passing place on Whiteditch Lane. The southern access shall be constructed to a minimum width of 5 metres. The informal passing place shall be retained at all times. Both accesses shall be provided with an appropriate crossing of the highway very.

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 Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

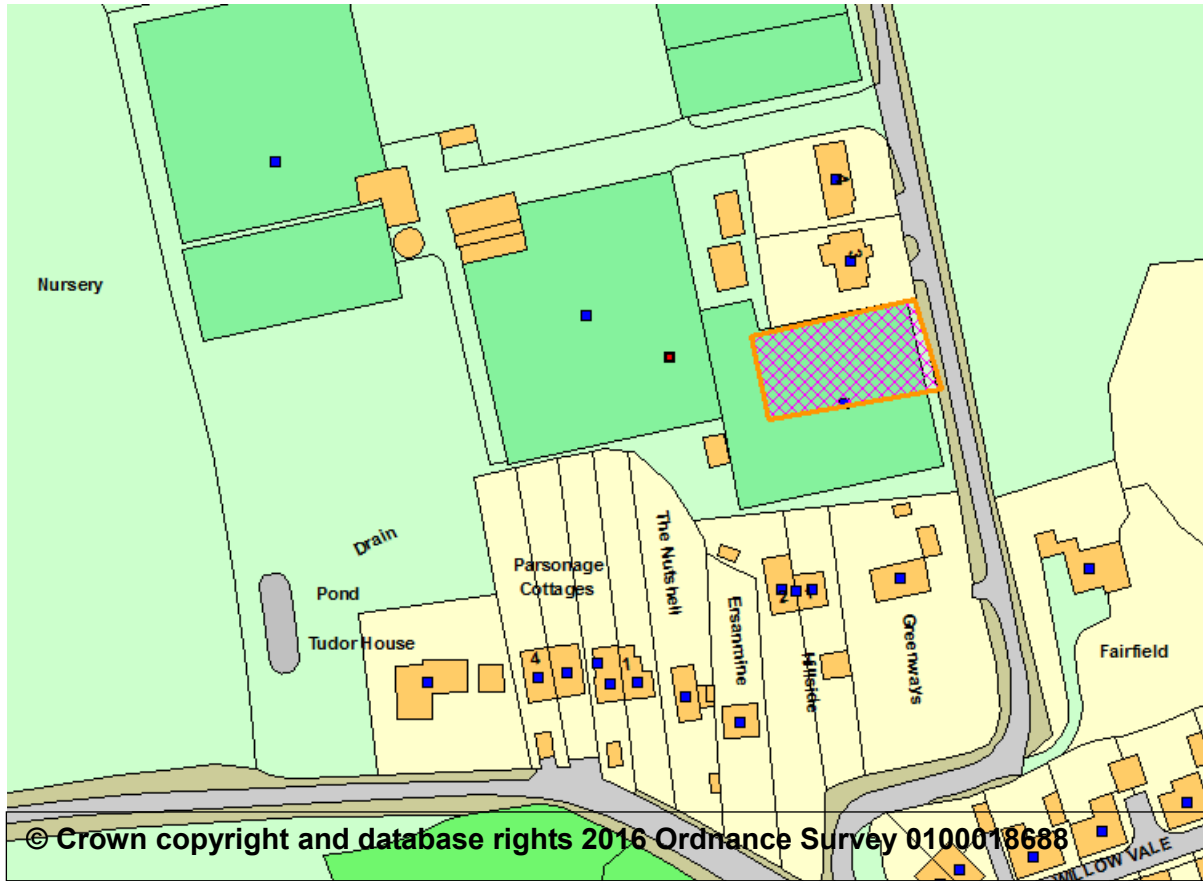
17. The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans has been provided. The vehicle parking areas and associated turning areas shall be retained at all times.

REASON: To ensure that on-street parking of vehicles in the adjoining highway does not occur in the interests of highway safety and that appropriate parking is provided, in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005), Essex Parking Standards (2009) and Uttlesford Parking Standards (2013).

18. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6m from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety, in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

Application: UTT/15/2575/FUL
Address: Hillside and Land to the Rear of Bury Water Lane
Bury Water Lane, Newport



Organisation:	Uttlesford District Council
Department:	Planning
Date:	26 April 2017

UTT/17/0436/FUL - (NEWPORT)

(Deferred to committee due to similar outstanding applications UTT/15/2574/FUL & UTT/15/2575/FUL being called in by Cllr Parry on the grounds of capacity of the local infrastructure and highway issues)

PROPOSAL: Remove existing greenhouses and erection of two detached dwellings and two semi-detached dwellings

LOCATION: Land At Whiteditch Lane Newport Essex

APPLICANT: Mrs V Barba

AGENT: Pelham Structures Ltd

EXPIRY DATE: 15 May 2017

CASE OFFICER: Maria Shoemith

1. NOTATION

1.1 Outside Development Limits, Groundwater Source Protection Zone

2. DESCRIPTION OF SITE

- 2.1 The application site is a small section of what was a large plot assessed under the original application for the wider site that was granted outline planning permission in October 2013 for the a care home village and for five dwellings (UTT/13/1817/OP). The wider site is the former cucumber nursery and although redundant, it still retains the glasshouses and other utilitarian commercial buildings in connection with the previous horticultural use. The condition of the buildings is deteriorating. The remainder of the site is hard surfaced, although there is some green space towards the outer boundaries. The greenhouses are in the current process of now being demolished under planning application UTT/16/0459/OP.
- 2.2 The eastern boundary of the site extends along Whiteditch Lane. This originally wrapped around 2no. two-storey detached houses (Nos. 3 and 4 Whiteditch Lane) that front onto the Lane. This application now only relates to the parcel of land to the south of these properties.
- 2.3 Planning permission was originally granted for five dwellings on Plots 1-5 is proposed to be located either side of these existing dwellings. The granting of the revised care home scheme UTT/16/0459/OP has resulted in the loss of 3 of the 5 dwellings and this application now seeks the subdivision of the two dwelling site to now provide 4 dwellings.
- 2.4 The southern boundary of the wider site is formed by the rear boundaries of existing detached and semi-detached properties which front on to Bury Water Lane. These all sit in an elevated position relative to the road. The application site slopes down to the rear gardens of these properties. The northern boundary of Greenways that fronts Whiteditch Lane forms the shared boundary with the application site.

2.5 There is a wet drainage ditch that runs along the front of the site.

3. PROPOSAL

3.1 The application is for the proposed erection of four x 3 bedroom dwellings together with parking to the front.

3.2 The proposed dwelling's core would be 8m wide x 12.4m deep for the detached dwellings and 11.5m x 15.5m for the pair of semi-detached dwellings. The dwellings are two-storey with traditional appearance and form, differing from the previous submission. The scheme would have a height of 7.8m to 8.4m the ridge.

3.3 They would be 3 bedrooms dwellings with private gardens ranging from 100 to 106sqm in area. The dwellings would be designed to lifetime homes standards.

3.4 Outline planning permission was granted under UTT/13/1817/OP and reserved matters were granted UTT/14/2900/DFO. Planning permission however, has been recently refused for 4 dwellings on this plot under reference number UTT/16/3325/FUL. This was refused under the following grounds;

- 1) The proposed development by reasons of its design, and siting, with its vertical three storey appearance, as well as the provision of a semi-detached property, is out of keeping with the surrounding neighbouring properties to the detriment of the appearance of the surrounding locality in this countryside setting. This is contrary to Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
- 2) The proposed development by reason of its cramped frontage layout provides insufficient parking to the detriment of highway and pedestrian safety, contrary to Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan, Essex Parking Standard (2009) and Uttlesford Local Parking Standard, and the NPPF.
- 3) Insufficient information has been provided to be able to assess the implications upon ecological contrary to Policy GEN7 and the NPPF.

3.5 This application seeks to address the previous grounds for refusal.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 Town and Country Planning (Environmental Assessment):
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

And

Human Rights Act considerations:

There may be implications under Article 1 and Article 8 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

5. APPLICANT'S CASE

5.1 The following information has been submitted as part of the application;

- Design and Access Statement;
- Bat Survey

6. RELEVANT SITE HISTORY

6.1 This application is a resubmission of UTT/16/3325/FUL which was for the “Remove existing greenhouses and provide two detached dwellings and two semi-detached dwellings.” This was refused on 25 January 2017.

List of committed developments and those under consideration;

2013

1) UTT/13/1769/OP - Land At Bury Water Lane - Outline application for the erection of up to 84 houses of which 40% will be affordable, together with the provision of associated open space, a local area equipped for play (LEAP) and allotments and incorporating alterations to the width and alignment of Bury Water Lane, the provision of a new footway to the north of the Lane and alterations to the junction of the Lane with Whiteditch Land and the provision of two passing places and a footway to School Lane - Granted 29 November 2013 – (site area is 6.10ha)

UTT/16/1574/DFO - Reserved matters application for the erection of 84 dwellings and related development. Following outline approval UTT/13/1769/OP - details of appearance, landscaping, layout and scale. – Granted 18.11.2016 Conditions are in the process of being discharged and development due to commence shortly.

2) UTT/13/1817/OP - Hillside And Land To The Rear Bury Water Lane - Outline application for redevelopment with a mix of a residential care facility (for illustrative purposes, for 120 persons), separate assisted living units for people over 65 years of age (40 units); associated medical and recreation facilities in a Care Support Facilities block (including mobile medical treatment, hairdresser, etc.); the construction of 5 no. respite care bungalows; and 5 no. detached dwellings (open market housing separate to the care facility) fronting Burywater Lane. Vehicular access to the site would be secured from Burywater Lane following the demolition of the dwellings known as No. 1 & 2 Hillside, Burywater Lane, Newport, Essex CB11 3UA - Granted 30 October 2013 – (site area is 1.98ha)

UTT/14/2900/DFO

UTT/14/2901/DFO These are the reserved matters relating to the 5 dwellings the main

UTT/14/2902/DFO outline application UTT/13/1817/OP - Details of access,

UTT/14/2903/DFO appearance, landscaping, layout and scale for Plot 1, 2, 3, 4,&

UTT/14/2904/DFO 5 – Approved 31 December 2014

- Outline application superseded by UTT/16/0459/FUL - Outline planning application for the redevelopment of land to the rear of Bury Water Lane with some matters reserved. The detailed element to consist of engineering works to create a new means of vehicular access to the site involving the demolition of the property known as Ersanmine, Bury Water Lane; works within the front

gardens of numbers 1 and 2 Hillside for visibility splay improvement; and associated upgrade works at the junction with Bury Water Lane. The outline element to consist of the development of a residential care home facility (up to 50 beds) together with an extra care development (up to 90 units comprising of apartments and cottages) all within Use Class C2; associated communal facilities; provision of vehicular and cycle parking together with all necessary internal roads and footpaths; provision of open space and associated landscape works; and ancillary works and structures. – Granted 1.11.2016
Demolition works have commenced on site.

- UTT/16/0459/FUL deletes Plots 3 -5 of the above DFO applications
- 3) UTT/13/1533/FUL - Land Adj Bury Grove Whiteditch Lane - Construction of a new dwelling with garage and associated landscaping - Granted 14 August 2013 (site area is 0.183ha)
UTT/15/1942/FUL - Erection of a pair of detached dwellings and garages – Granted 7.08.2015
- 4) UTT/13/2553/FUL - Land Adj Holmwood Whiteditch Lane - Proposed new dwelling - Granted 26 November 2013 – (site area is 0.14ha)
- 5) UTT/13/2973/FUL - Land Adj Branksome Whiteditch Lane - 1 no. Dwelling and cartlodge - Granted 13 March 2014 – (site area is 0.36ha)
- 6) UTT/13/3234/FUL - Land Adj Holmwood Whiteditch Lane - Erection of 1 no. detached dwelling with detached garage (alternative scheme to that approved under planning permission UTT/13/2553/FUL) - Granted 17 February 2014 – (site area is 0.12ha)

2014

- 7) UTT/14/1639/FUL - Land Adj Holmwood Whiteditch Lane - Proposed new dwelling (plot 2). Revised - (site area is 0.12ha) - Granted on 8/8/2014
- 8) UTT/14/1708/FUL - Land North Of Hope Cottage Whiteditch Lane - Proposed two storey five bedroom house with detached garage/carport and associated access - Granted 25 July 2014 (site area is 0.376ha)
- 9) UTT/14/1794/OP - Land Opposite Branksome, Whiteditch Lane - Outline application with all matters reserved for 15 residential units (incorporating alteration to access road and garage position previously approved under UTT/13/2973/FUL) – Refused – 16/9/2014 – (site area is 0.865ha) – Allowed under appeal 23/7/15
UTT/16/0786/DFO - Details following outline application UTT/14/1794/OP (for the erection of 15 no. dwellings and alteration of access), details of layout, access, scale, landscaping and appearance – Granted 15.12.2016
- 10) UTT/14/2136/FUL - Tudhope Farm Whiteditch Lane - Proposed dwelling and garage – Granted 30 September 2014. – (site area is 0.144ha)
- 11) UTT/14/3266/OP Land South of Wyndhams Croft. Outline for 15 dwellings. Granted and later quashed under Judicial Review. Currently being resubmitted, however UTT/14/3266/OP is now currently pending determination following a screening opinion being issued. – Granted 18.12.2015 (DFO - UTT/15/3824/DFO)
- 12) UTT/14/3815/FUL- Land Adj Holmwood Whiteditch Lane - Proposed new dwelling - Granted 5 March 2015- (site area is 0.14ha)

2015

- 13) UTT/15/0879/OP - Land At Holmwood Whiteditch Lane - Outline

application for the erection of 12 no. dwellings with all matters reserved except access – Refused planning permission. (Site area is 1.48ha) – Resubmitted see below – Allowed on appeal 24.07.2015

- 14) UTT/15/1942/FUL – Erection of a pair of detached dwellings and garages – Land adj Bury Grove Whiteditch Lane – Granted on 7/8/2015
- 15) UTT/15/1664/FUL - Land Rear Of Branksome - Removal of existing structures and erection of 2 no. detached dwellings and garages – resolved to be granted at 25/8/2015 Planning committee
- 16) UTT/15/2106/SCO - Land South Of Wyndhams Croft - Request for screening opinion in respect of development of 15 dwellings - No EIA required.
- 17) UTT/15/3824/DFO - Land South Of Wyndhams Croft - Details following outline application UTT/14/3266/OP for 15 dwellings - details of appearance, landscaping and layout – Granted 29.06.2016

2016

- 18) UTT/16/0280/FUL – Branksome - Part demolition and extension of existing dwelling and erection of 1 no. new dwelling together with cartlodges and access – Granted 5.05.2016
- 19) UTT/16/0383/SCO - Branksome - Request for a screening opinion in respect of and application for part demolition and extension of existing dwelling and erection of 1 no. New Dwelling together with cartlodges and access – No EIA required
- 20) UTT/16/0786/DFO - Land Adj Branksome - Details following outline application UTT/14/1794/OP (for the erection of 15 no. dwellings and alteration of access), details of layout, access, scale, landscaping and appearance – Granted 15.12.2016
- 21) Redbank UTT/16/2538/FUL – Demolition of existing property and the construction of five dwellings including associated parking. Granted 20.01.2017
- 22) UTT/16/1574/DFO – Sworders site - Reserved matters application for the erection of 84 dwellings and related development .Following outline approval UTT/13/1769/OP - details of appearance, landscaping, layout and scale. – Granted 18.11.2016
- 23) UTT/15/3423/FUL - Bricketts London Road Newport - Proposed demolition of existing dwelling and erection of 3 replacement dwellings and garages. Granted 22 January 2016

Alternative scheme to above;

- 24) UTT/16/1290/OP - Bricketts London Road Newport - Outline application, with all matters reserved except for access, for demolition of existing dwelling and erection of up to 11 dwellings with associated access and parking. Granted 29th November 2016
- 25) UTT/2364/FUL – Land west Cambridge Road Newport - Construction of 34 affordable rural dwellings with roads, parking and open space. Granted 17 March 2016. This is currently under construction.

Outstanding Applications:

23) Applications;

UTT/15/2574/FUL Is for the erection of single detached dwellings on

UTT/15/2575/FUL Plots 1, 2, 3, 4 and 5 in connection with the approve
UTT/15/2576/FUL Outline application UTT/13/1817/OP. Like above
UTT/16/0459/FUL deletes Plots 3 -5 UTT/15/2577/FUL UTT/15/2578/FUL

- 24) UTT/16/2024/FUL - Development of 20 no. dwellings including access road, cartlodes and associated landscaping
- 25) UTT/15/3666/FUL - Proposed new dwelling and garage (Revision to planning permission granted under UTT/14/1639/FUL).
- 26) UTT/17/0140/OP - Land To The East Of Whiteditch Lane (rear of Wydhams Croft) - Outline application with all matters reserved except for access and layout for the demolition of existing outbuildings and the erection of 5 no. detached dwellings with associated amenity spaces and parking.
- 27) UTT/15/1869/FUL – Land west of London Road - Erection of 94 residential dwellings including flexible mixed use building (Use Classes B1, D1 or D2); open space, landscaping and new access – Currently under appeal following refusal
- 28) UTT/17/0120/FUL – adjacent to subject site- New pedestrian footpath – Withdrawn

7. POLICIES

7.1 National Policies

- National Planning Policy Framework

7.2 Uttlesford Local Plan (2005)

- Policy S7 – Countryside
- Policy GEN1 – Access,
- Policy GEN2 – Design,
- Policy GEN4 – Good Neighbourliness,
- Policy GEN5 – Light Pollution,
- Policy GEN7 – Nature Conservation,
- Policy GEN8 – Vehicle Parking,
- Policy ENV5 – Protection of Agricultural Land,
- Policy ENV12 – Protection of Water Resources,
- Policy ENV14 – Contaminated Land,
- Policy ENV15 – Renewable Energy,
- Policy H1 – Housing Development,
- Policy H3 – New Houses within Development Limits,
- Policy H9 – Affordable Housing,
- Policy H10 – Housing Mix

Supplementary Planning Documents:

- ECC Parking Standards (September 2009);
- Uttlesford Local Residential Parking Standards (February 2013)

8. PARISH COUNCIL COMMENTS

- 8.1 Newport Parish Council no comments received at the time of writing the report.

9. CONSULTATIONS

MAG

- 9.1 Thank you for consulting the Aerodrome Safeguarding Authority for Stansted Airport on the above application. 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 Archaeology

- 9.2 The following recommendation is in line with the new National Planning Policy Framework. Condition an Archaeological Programme of Trial Trenching followed by Open Area Excavation.

ECC Highways

- 9.3 No objections subject to conditions.

NATS

- 9.4 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. However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted. If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

UDC Environmental Health

- 9.5 The soil report submitted in support of application UTT/13/1817/OP confirmed that contamination potentially harmful to human health is likely to be present across the larger site of which this application forms a part. This needs to be assessed and remediated if necessary.

ECC Ecology

- 9.6 The site appears to contain boundary vegetation with the potential for reptiles, and due to the known presence of reptiles on the adjacent site (through ecological reports undertaken for planning application number UTT/16/0459/OP); it is likely that reptiles are on-site. Reptiles are nationally protected species (Wildlife and Countryside Act 1981 as amended) and it is an offence to kill or injure them. I therefore recommend an ecologist is engaged to determine the likelihood of reptiles being present on-site and develop a mitigation plan for these species if so.

The results of this assessment, and any surveys and mitigation found to be necessary must be submitted prior to determination to allow the Local Authority to assess the impacts on biodiversity in accordance with the Conservation of

Habitats and Species Regulations (2010), the Wildlife and Countryside Act (1981; as amended), Natural Environment and Rural Communities Act (2006) the National Planning Policy Framework and Government Guidance (<https://www.gov.uk/guidance/protected-species-and-sites-how-to-review-planning-proposals>). No site clearance should take place until ecological work is complete. To find a suitably qualified ecologist, please contact the Chartered Institute of Ecology and Environmental Management (<http://www.cieem.net/>) in the first instance.

Although the Bat Survey (Essex Mammal Surveys 2013) is out of date, the greenhouses have negligible bat potential. It does not trigger any of the following features from the Bat Survey Guidelines (Box 1, BCT 2016):

Conversion, modification, demolition or removal of buildings (including hotels, schools, hospitals, churches, commercial premises and derelict buildings) which are:

agricultural buildings (e.g. farmhouses, barns and outbuildings) of traditional brick or stone construction and/or with exposed wooden beams;

buildings with weather boarding and/or hanging tiles that are within 200m of woodland and/or water;

pre-1960 detached buildings and structures within 200m of woodland and/or water;

pre-1914 buildings within 400m of woodland and/or water;

pre-1914 buildings with gable ends or slate roofs, regardless of location;

located within, or immediately adjacent to woodland and/or immediately adjacent to water;

Dutch barns or livestock buildings with a single skin roof and board-and-gap or Yorkshire boarding.

Development affecting built structures:

tunnels, mines, kilns, ice-houses, military fortifications, air-raid shelters, cellars and similar underground ducts and structures;

unused industrial chimneys that are unlined and brick/stone construction;

bridge structures, aqueducts and viaducts (especially over water and wet ground).

No further surveys are necessary for bats.

On receipt of the above information requested, I would like to provide suggested wording for conditions necessary to protect and enhance site ecology.

Amended Comments 20.03.2017

As the below email states that the site has now been cleared, reptiles are now unlikely to be present. I would therefore like to remove my holding objection, and now have no objections subject to condition.

As it is possible that reptiles may migrate onto the site during development, a CEMP: Biodiversity should be conditioned to ensure that no harm is caused to these nationally protected species. This should contain details of how reptiles will be excluded from the development site.

I would also like to condition a management plan for biodiversity on this site, as it

shows potential for enhancement, allowing the local planning authority to meet their statutory requirements under the NERC Act (2006) and NPPF to enhance biodiversity through the planning system. This should include reference to how hedgehogs will be encouraged on-site through access provision, as they are highlighted to be potentially negatively affected in the ecological reports undertaken for UTT/16/0459/OP.

I would like to point out to the applicant that they have not attached a 'habitat survey', which they have referenced in the report. It would have been beneficial for consultees on this application to attach all of the information gathered for the site, and additionally state that the works that have now taken place, as this affects the biodiversity that is present.

10. REPRESENTATIONS

10.1 The surrounding neighbouring occupiers have been consulted of the application. The application has also been advertised on site. Following consultation 2 letters of objections have been received raising the following concerns;

- Over development of the plots;
- Previously refused application UTT/16/0738/OP;
- Previous scheme of two dwellings was more in keeping with the lane;
- There has been no interest in the scheme;
- Semi-detached housing is not in keeping;
- The applicant references application UTT/13/1817 OP but doesn't point out that the 5no. dwellings were across 5 separate plots;
- Access was previously off Bury Water Lane;
- This new application is not in any way aligned with this original application;
- Not sustainable, nearest dental practice is Stansted as Saffron Walden is full;
- Does not have gas or a sewage system in place instead relying on septic tanks.
- Drainage
- The lane cannot cope with all of the additional housing, UDC has now granted permission for pushing 50 additional houses onto this lane totalling 65 houses. Please note that the lane is essentially a footpath with access granted to the houses that currently exist.
- This has a traffic flow of circa 30 cars at best. The continued granting of residencies here will now push that to 130 cars.
- disagree that the development would have no adverse effect on neighbouring property;
- Noise pollution
- Prevent subsidence issues.
- Scheme does not respect and enhance the area;
- No benefit over and above the existing permissions;
- Minimally changed from the previous application UTT/16/3325/FUL which was refused.
- Does not address the reasons for refusal
- Increases the possibility of cars needing to reverse onto Whiteditch Lane;
- Insufficient turning space for cars within each driveway;
- Only show one car per dwelling - what happens when all parking spaces are used, since none of the houses have garages;
- Suspect the passing bay will become an overflow car park for visitors and residents.
- 'utility service path' increases the risk of pedestrian injury when stepping onto Whiteditch Lane where there is no footpath;

- It also provides access for the residents of the Retirement and Care Village (with vulnerable adults) to a byway with no footpath.
- Does not comply with local plan policies;
- Debris from the demolition of the greenhouses was removed via Whiteditch Lane;
- Bridleway single vehicle width with an S bend;
- Highway safety;
- Careful consideration needed to the proliferation of passing places on the Lane to avoid the destruction of its rural characteristics;
- Frequently flooding;
- Insufficient sewage capacity;
- Congestion along Bury Water Lane past Joyce Frankland Academy;
- Current infrastructure at capacity;
- Inappropriate development;
- Destroy rural location;
- Whiteditch Lane requires significant upgrading;

Comments on representation comments;

- Sewage capacity has been previously considered as part of the large applications and this is not consider to be an issue;
- In terms of infrastructure capacity, including highway capacity has to be considered in relation to the size and scale of the scheme currently under consideration together with cumulative implications.
- Subsidence issues is not a material planning consideration, it is a civil matter.
- Reference to application UTT/16/0738/OP is not a material consideration as this is materially different to this scheme before us.

11. APPRAISAL

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

- A Principle;
- B The impact of the proposed scale, layout and appearance on the character and amenity of the area;
- C Highways;
- D Other material considerations

A Principle

- 11.1 The site is located outside the development limits for Newport defined by Policy S3 of the Local Plan 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.
- 11.2 The Council has commissioned a Compatibility Assessment which confirms that Policy S7 is partly consistent with the NPPF in that the protection and

enhancement of the natural environment is an important part of the environmental dimension of sustainable development but that the NPPF takes a positive approach, rather than a protective one. It is considered that although Policy S7 is still relevant to the consideration of this application, there also remains a presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF.

11.3 The principle of two houses on this site has been previously considered under the outline application and reserved matters applications and the location has been deemed to be sustainable. This application seeks the further subdivision of the site to provide 4 dwellings on site, and this is a revised application from UTT/16/3325/FUL which was for the "Remove existing greenhouses and provide two detached dwellings and two semi-detached dwellings" which was refused on 25 January 2017 for the reasons cited in paragraph 3.4 above.

11.4 Whilst the principle of housing is generally acceptable so is the nominal increase in the number of dwellings. The assessment of the design of the scheme, and any other implications would also need to be considered as well as whether this application addresses the previous reasons for refusal.

B The impact of the proposed scale, layout and appearance on the character and amenity of the area (Local Plan Policies GEN2, GEN4, H10, ENV12, ENV15 & SPD: Energy Efficiency and Renewable Energy);

11.5 The previous schemes (UTT/14/2900/DFO, UTT/14/2901/DFO, UTT/15/2574/FUL and UTT/15/2575/FUL) for this site involved two out of a total of five dwellings proposed fronting Whiteditch Lane. The other three dwellings fall outside of this application site and now within the larger care home site.

11.6 The previous schemes were larger but traditional housing reflecting the design up and down Whiteditch Lane and of dwellings which have been recently approved. These have been designed to reflect the more spacious development pattern along that frontage. This application amends the recently refused scheme, UTT/16/3325/FUL, which was contemporary in design and had more of a vertical emphasis. The design has now reverted back to a traditional design as per UTT/14/2900/DFO, UTT/14/2901/DFO, UTT/15/2574/FUL and UTT/15/2575/FUL.

11.7 The proposed scheme still provides two detached and a pair of semi-detached dwellings. All dwellings along the Lane are detached large dwellings which are set well back from the main road with the exception of the two detached chalet style bungalows which are 3 and 4 Whiteditch Lane, located adjacent to the northern boundary of the site.

11.8 There are no other semi-detached dwellings along Whiteditch Lane. However, this scheme has now been redesigned so that the semi-detached property has the external appearance of a single detached large house. This dwelling would have a height of 7.8m. The pair of detached dwellings would be 8.4m in height.

11.9 A point arise by a third party consultee regarding the widening of the lane to the extent proposed to provide passing bays would detrimentally alter the character and appearance of the lane and the rural appear of the locality, particularly when considered against passing bays which have been granted as part of another residential scheme opposite this development site. I would concur with this, particularly in consideration of the condensed car dominated frontages. The

design of the scheme appears to be car park dominated, however the dwellings would be set back from the Lane by 14.6 to 16.8m and landscaping is indicated to be provided, including grasscrete parking bays. This can be conditioned should planning permission be granted. Nonetheless, the scheme has since been amended to reduce the erosion of the ditch bank to just provide the vehicular accesses for the dwellings.

- 11.10 The gardens proposed meet Essex Design Guidance in terms of their size, having gardens ranging between 100-106sqm. The dwellings would be designed to Lifetime Homes standards.
- 11.11 It is unclear from the proposed scheme what the indication of 'alleyways' serve and their relationship with the surrounding area and therefore this aspect is considered ill thought and unacceptable. In the absence of reserved matters being submitted or approved on the care home site to the rear of the subject application it is considered that this element together with separate application UTT/17/0120/FUL (new pedestrian footpath) is premature. The footpath and rear access from the residential properties would lead onto private land, why this is proposed it is unclear as well as the extent of the 1.8m high rear fence boundary line. Also, how this connects to the care home scheme together with the proposed design, materials of the footpath is also unclear.
- 11.12 Points raised by third party consultees regarding the pedestrian footpath also allowing vulnerable people from the care home to access the Lane is considered a valid point that this could result in the possibility of pedestrian and highway safety issues. It should be noted that this aspect has since been amended and removed from the layout plan and UTT/17/0120/FUL has since been withdrawn.
- 11.13 Due to the siting and design of the dwellings these are unlikely to cause overlooking or impact upon residential or visual amenities of the neighbouring occupiers. Plot 4's 45 degree angles do not both cross at the point whereby this would impact upon the neighbouring property's (number 3) light, however there would be some afternoon shading as a result of the scheme. The drop in ground levels between the two sites, with 3 Whiteditch Lane being on higher ground, would mitigate this level of impact.
- 11.14 The initial submitted drawings of the dwellings indicate some inconsistencies. Plots 3 & 4 window arrangements which do not match the elevations. The accommodation in the loft does not have any natural source of light which would be to the detriment of the residential amenities of the future occupiers of the dwellings. A gable light was indicated to Plots 1 and 2 which was unclear what they are serving and whether it is additional loft accommodation. Similarly whilst the middle first floor front window should be retained it is not indicated on the first floor layout plans. Again, all of these issues have since been addressed by the applicant and the scheme is acceptable in this respect.
- 11.15 The original first reason for refusal;
- "The proposed development by reasons of its design, and siting, with its vertical three storey appearance, as well as the provision of semi-detached properties, is out of keeping with the surrounding neighbouring properties to the detriment of the appearance of the surrounding locality in this countryside setting. This is contrary to Policy GEN2 of the Uttlesford Local Plan (adopted 2005)."

Is now considered to be addressed and the amended proposed development is

in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

C Highways, Accessibility and Parking (Local Plan Policies GEN1, ENV13 and GEN8);

- 11.16 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 expect to have access.
e) The development encourages movement by means other than driving a car.”
- 11.17 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework.
- 11.18 Details of the highway implications were previously considered under the outline application. The proposed scheme is unlikely to increase the highway implications as a result of additional 2 dwellings to those previously approved. No objections have been raised by ECC Highways in this respect.
- 11.19 Access onto Whiteditch Lane has been approved under previous applications.
- 11.20 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. The previous application was refused on the following grounds;

“The proposed development by reason of its cramped frontage layout provides insufficient parking to the detriment of highway and pedestrian safety, contrary to Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan, Essex Parking Standard (2009) and Uttlesford Local Parking Standard, and the NPPF.”
- 11.21 The scheme has been amended to provide 3 bedroom dwellings and provide 2 car parking spaces and a visitor’s parking space each. This is in line with the car parking standards. Therefore this addresses the second reason for refusal and is now in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan, Essex Parking Standard (2009) and Uttlesford Local Parking Standard, and the NPPF.
- 11.22 The hatched red area indicated on the plans was previously discussed as being unclear whether this is within Highway land and was seen as being an inappropriate way to address the shortfall and poor parking layout then. This has been also discussed above in paragraph 10.9. Whilst the plans have been amended highways seek one of the vehicular accesses to be widened from 5m to 6m to allow for another suitable parking space along the Lane. This also can be conditioned should planning permission be granted.

D Other material considerations;

11.23 Due to the size of the application site and the fact that the site also falls within Flood Risk Zone 1 no flood assessment is required. This is in accordance with Local Plan Policy GEN3 and the NPPF. However, there is a drainage ditch which runs along the frontage of the site and separates the site from the Lane. The proposal plans show/implies that this would be in filled. Following discussions with the agent it was stated that this would be culverted. The level of are to be culverted has been reduced. The provision of a bonded drive has been amended to be permeable. Whilst details of the drainage are outside the remit of ECC Suds a licence would need to be obtained to undertake culverting works. This is in accordance with Local Plan Policy GEN3.

11.24 Whilst biodiversity and protected species are 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.

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".

An updated Ecological Survey has not been submitted as part of this application. The Bat Survey submitted dates June 2013 which outlines that there were no Bats in the area and no further Bat Surveys would be required. A Biodiversity questionnaire as part of this application was provided later in the process. In this there a number of the questions which should be answered yes, such as

- There would be works to a ditch as part of the application;
- There are trees, and shrubs that would be affected as part of the application;
- It relates to derelict land and rough grassland;
- There is likely rubble on site

11.25 This would require the submission of an ecological survey which has not been provided, therefore resulting in insufficient information submitted in order to assess the implications upon Ecology. ECC Ecology has initially objected to the application based on the lack of information. The Biodiversity Questionnaire has only recently been provided of which outlines the needs for an ecological survey.

However, the applicant has argued the submission of previous ecological assessments as part of previous applications on this site and that there is an extant prior approval of demolition consent for the greenhouses which has established that there is unlikely to be reptile on the site.

As a result ECC Ecology has removed their objections on this basis, subject to conditions. This is now in accordance with Local Plan Policy GEN7, and the NPPF; and the third and final reason for refusal has also been addressed.

11.26 There is related contamination issues of which have been commented on by Environmental Health. No objections have been raised subject to conditions should planning permission be granted.

11.27 No objections have been raised by ECC Archaeology subject to conditions should planning permission be granted. This is therefore in accordance with Policy ENV4 of the Local Plan.

12. CONCLUSION

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

- A The principle of dwellings on this site is acceptable and the location has been deemed to be sustainable, in accordance with Local Plan Policy S7 and the NPPF.
- B In terms of design, the amendments to the scheme now addresses the first reason for refusal and it is in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the Essex Design Guide (2005).
- C With regards to Highways the number of vehicle which would be generated from this proposal, the proposed parking layout and the design of the scheme is considered to be acceptable and in accordance with Local Plan Policies GEN1, GEN2, GEN8 of the Uttlesford Local Plan, Essex Parking Standard (2009) and Uttlesford Local Parking Standard, and the NPPF, subject to conditions should planning permission be granted. This addresses the second reason for refusal.
- D The site also falls within Flood Risk Zone 1 where no flood assessment is required in accordance with Local Plan Policy GEN3 and the NPPF. However, there is a drainage ditch which runs along the frontage of the site and separates the site from the Lane. The proposal plans implies that this would be in filled. Following discussions with the agent it was stated that this would be culverted. The level of culverting has been since reduced. Whilst details of the drainage are outside the remit of ECC Suds a licence would need to be obtained to undertake such works. This is in accordance with Local Plan Policy GEN3.

As a result of additional information submitted ECC Ecology has removed their objections subject to conditions should planning permission be granted. This is now in accordance with Local Plan Policy GEN7, and the NPPF; and the third and final reason for refusal has also been addressed.

No objections have been raised by ECC Archaeology subject to conditions should planning permission be granted. This is therefore in accordance with Policy ENV4 of the Local Plan.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

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

2. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

human health, property (existing or proposed) including buildings and service lines and pipes, adjoining land, groundwaters and surface waters and ecological systems. This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11".

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).

3. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been 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), 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.

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).

4. 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 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).

5. In the event that contamination is found at any time when carrying out the ap-

proved development that was not previously identified it must be reported immediately to the Local Planning Authority and work halted on the part of the site affected by the unexpected contamination. An assessment must be undertaken in accordance with the requirements of condition 2, 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 in accordance with the requirements of condition 3. 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 4.

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)

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

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. The proposed development lies just outside the suggested limits of the medieval town, however, there is documentary evidence of a castle being in the vicinity (EHER 234). Initially thought to be in the area of the school, however, excavations here have failed to identify any remains. Recent trial trenching to the west and north of the site identified limited prehistoric occupation (EHER 48597).

7. Prior to the erection of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall thereafter be carried out as approved. These details shall include [for example]:-
 - i. hard surfacing materials;
 - ii. means of enclosure;
 - iii. car parking layouts;
 - iv. other vehicle and pedestrian access and circulation areas;

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

8. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any 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).

9. If within a period of 5 years from the date of planting the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

REASON: To ensure the suitable provision of landscaping within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

10. Prior to the erection of the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development, including windows and doors, hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

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

11. 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 Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace.

12. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise

agreed in writing by 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 Local Plan Policies GEN2 and GEN7. Paragraph 109 of the NPPF states that the planning system should seek to enhance the natural environment by providing net gains in biodiversity wherever possible, and incorporating biodiversity in and around developments should also be encouraged under Paragraph 118.

13. A biodiversity management plan (BMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the BMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The BMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented 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 Local Plan policies GEN2 and GEN7. Paragraph 109 of the NPPF states that the planning system should seek to enhance the natural environment by providing net gains in biodiversity wherever possible, and incorporating biodiversity in and around developments should also be encouraged under Paragraph 118.

14. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

15. The first floor flank window for Plot 4 on the northern elevation 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 window.

REASON: To avoid overlooking of the adjacent property in the interests of resi-

dential amenity in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

16. Prior to occupation, the northern access shall be constructed to a minimum width of 6 metres, which would allow its use as an informal passing place on White-ditch Lane. The southern access shall be constructed to a minimum width of 5 metres. The informal passing place shall be retained at all times. Both accesses shall be provided with an appropriate crossing of the highway very.

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 Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

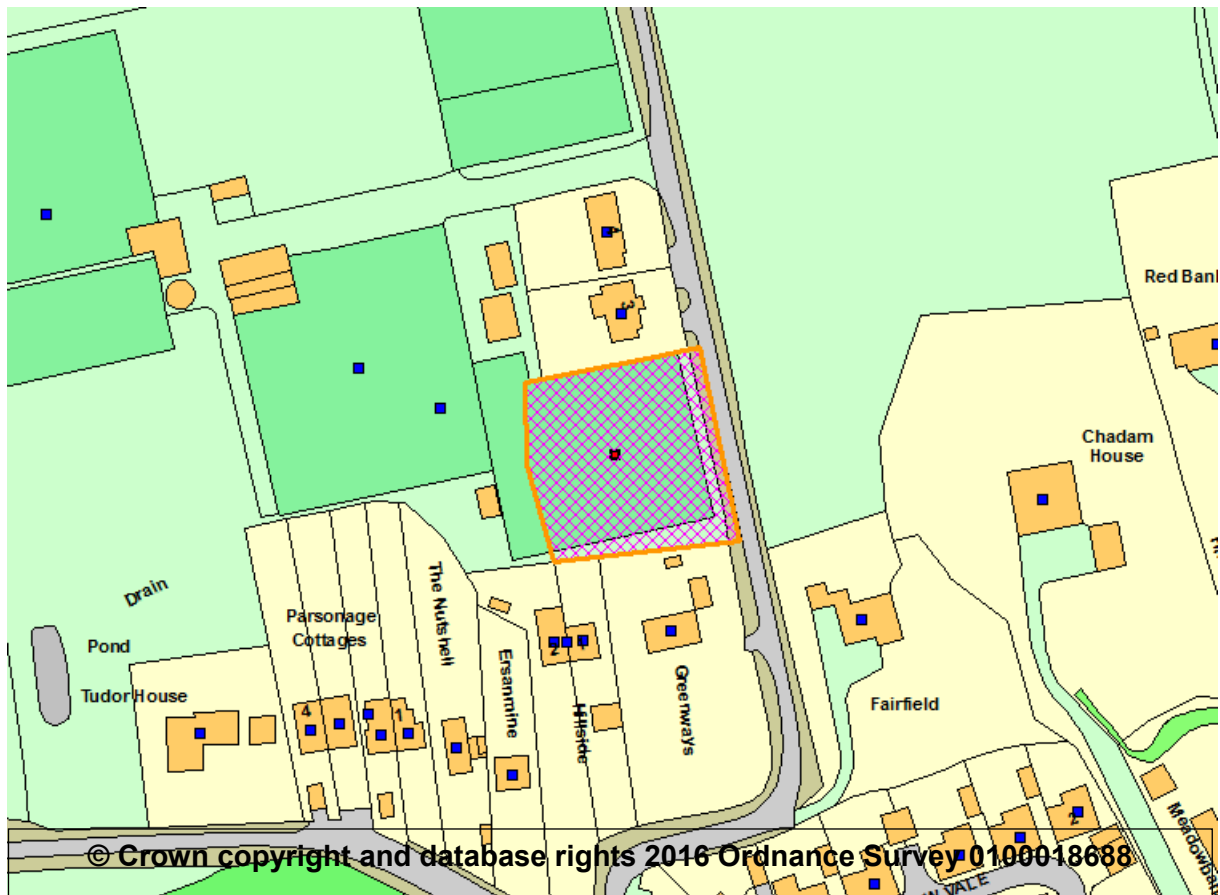
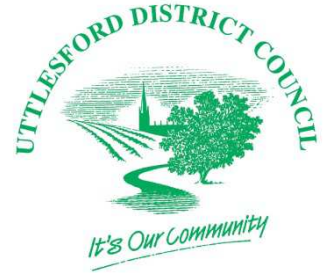
17. The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans has been provided. The vehicle parking areas and associated turning areas shall be retained at all times.

REASON: To ensure that on-street parking of vehicles in the adjoining highway does not occur in the interests of highway safety and that appropriate parking is provided, in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005), Essex Parking Standards (2009) and Uttlesford Parking Standards (2013).

18. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6m from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety, in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

Application: UTT/17/0436/FUL
Address: Land at Whiteditch Lane Newport



Organisation: Uttlesford District Council

Department: Planning

Date: 26 April 2017

UTT/17/0519/FUL - GREAT EASTON

Applicant is a Councillor

PROPOSAL: Formation of manege

LOCATION: The Paddocks, Mill End Green End, Great Easton, Essex, CM6 2DW

APPLICANT: Mrs M Siddans

EXPIRY DATE: 27.04.2017

CASE OFFICER: Mrs M Jones

1. NOTATION

1.1 Outside Development Limits

2. DESCRIPTION OF SITE

2.1 The site is located in a backland position approximately 1.3m to the north east of Great Easton village. It currently forms part of a yard and paddock area to the rear of the property known as Homefield, and adjacent to a recently constructed bungalow known as The Paddocks Bungalow. It is accessed via an existing access point for Homefield. There are agricultural fields to the south, east and west of the site.

3. PROPOSAL

3.1 The proposal is for the erection of a manege which would measure 40m x 20m. This would be located in the existing paddock adjacent to the stable block and Paddocks Bungalow. The manege would be constructed with a stone and sand base with a rubber surface. It would be surrounded by a post and rail fence which would be 1.37m in height. It is proposed that the existing paddock fencing would form two sides of the manege fencing.

4. APPLICANT'S CASE

4.1 The manege would be for personal use only. We have kept our horses here for over 20 years for leisure purposes and the manege will be used to train our horses in Dressage. The manege will be 20 x 40 metres, a minimum size for Dressage movements and circles, with a sand and rubber surface, and within a paddock acreage which would not have an adverse impact. The manege will be surrounded by post and rail fencing to complement the existing fencing around the paddocks and there would be no loss of visual amenity by this development as it is effectively an open space.

5. RELEVANT SITE HISTORY

5.1 UTT/14/2223/FUL – Change of use of land from paddock to residential. Demolition of outbuildings, erection of single storey bungalow and single storey barn. Conditionally approved September 2014

5.2 UTT/15/0227/FUL - Proposed demotion of 2 no. Stables and tack room and

replacement with 4 no. stables and tack room. Conditionally approved March 2015.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford Local Plan (2005)

- Policy S7 – The Countryside
- Policy GEN2 – Design
- Policy GEN1 – Access
- Policy GEN7 – Nature Conservation

7. PARISH COUNCIL COMMENTS

7.1 No reply received. Expiry date 3rd April 2017

8. CONSULTATIONS

None

9. REPRESENTATIONS

9.1 Three neighbours were notified and one representation was received raising no objections to the proposals. Expiry date 27th March 2017.

10. APPRAISAL

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

- A Impact on the character and appearance of the countryside and loss of agricultural land. (ULP Policy S7)
- B Design, scale and impact on residential amenity by virtue of disturbance, noise, nuisance or odours. (ULP Policies GEN2 and GEN4)
- C Impact on nature conservation (ULP policy GEN7)

A Impact on the character and appearance of the countryside and loss of agricultural land. (ULP Policy S7)

10.1 The countryside is to be protected for its own sake and permission will only be granted for development that needs to take place there or is appropriate to a rural area 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. The field is currently used for grazing horses. The proposed manege would be constructed and would be enclosed by post and rail fencing, including existing fencing to two sides of the proposed manege.

The proposed development is in connection with the keeping of horses on this site. The proposed manege would not be visually intrusive in the countryside and the proposed fencing would not result in an adverse impact on the character of the rural area. Therefore, it is considered that the proposals comply with Policy S7.

B Design, scale and impact on residential amenity by virtue of disturbance, noise, nuisance or odours. (ULP Policies GEN2 and GEN4)

The proposed manege would be located within the existing paddocks. Whilst this may intensify the use of one particular area of the paddocks, this would be in close proximity to the existing dwelling. The proposal is approximately 20m from an adjacent dwelling known as Homefield. The occupiers of this property have confirmed that they have no objections to the proposals. Given the nature of the site and the proposed use it is considered that the proposals would not result in any adverse harm to residential amenity.

No floodlighting is proposed as part of the proposal, and any such proposal would be harmful to the character of the rural area. It is considered appropriate to restrict lighting by condition.

C Impact on nature conservation (ULP policy GEN7)

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.

The applicants have completed a biodiversity questionnaire and all questions were answered with a no except one in relation to the development being within 100m of a river, stream, ditch, lake or pond. However, give the current use of the site, it is considered that the proposal would not have any material detrimental impact on biodiversity or protected species. Therefore, the application would comply with ULP Policy GEN7.

11. CONCLUSION

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

- A The proposals are considered appropriate within the rural area and comply with Policy S7.
- B The proposals would not give rise to loss of residential amenity and comply with Policies GEN2 and GEN4.
- C The proposals would not give rise to any adverse impacts on biodiversity or protected species and comply with Policy GEN7.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

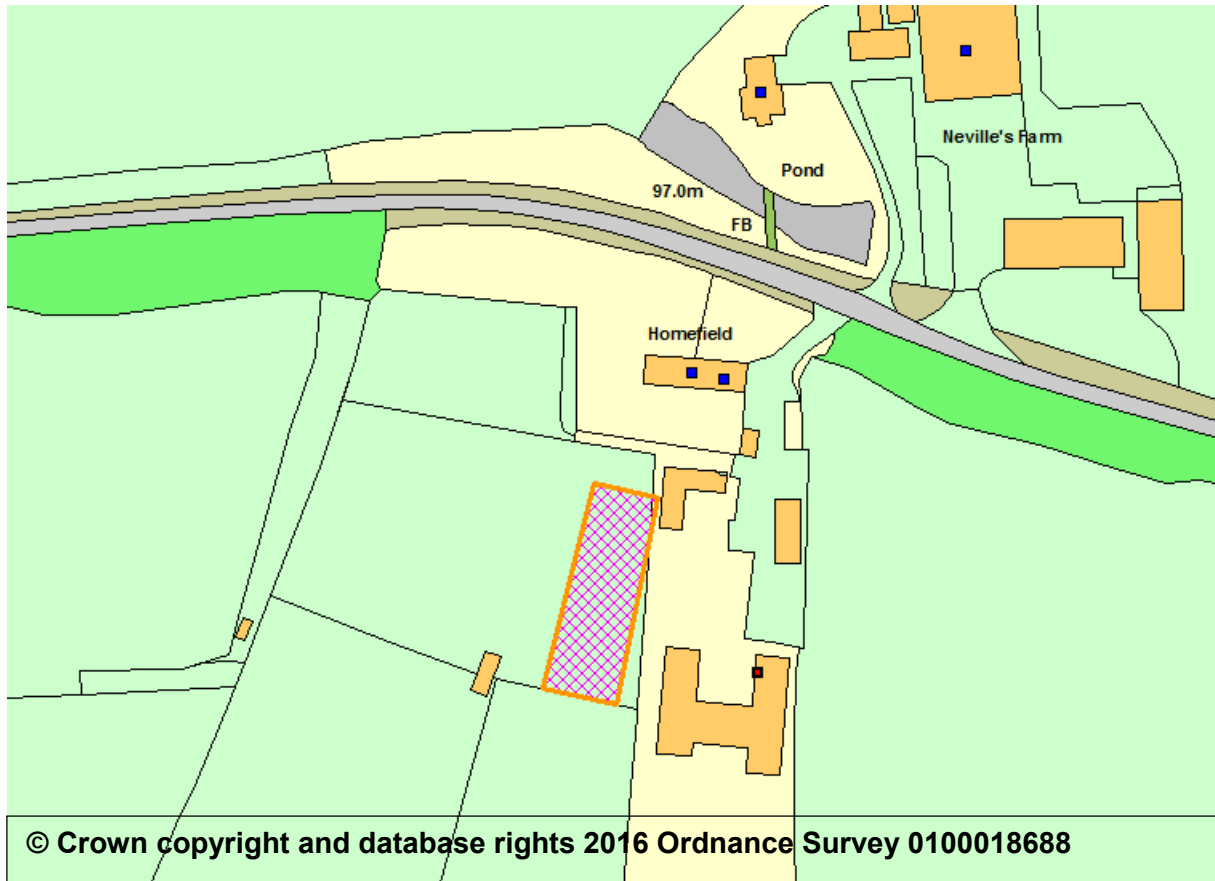
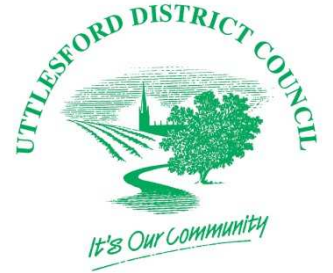
1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

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

2. There shall be no floodlighting or other form of external lighting constructed within the application site without the prior written consent of the local planning authority.

REASON: In the interests of amenity and to ensure the development does not adversely affect the rural character of the area in accordance with ULP policies GEN4 and GEN2

Application: UTT/17/0519/FUL
Address: The Paddocks, Mill End Green Road, Great Easton



Organisation: Uttlesford District Council

Department: Planning

Date: 26 April 2017

Committee:	Planning	Agenda Item
Date:	10th May 2017	[?]
Title:	UTT/16/3669/OP – Outline application with all matters reserved for 35 dwellings.	
Author:	Lindsay Trevillian Senior Planning Officer	

Summary

1. The above planning application was reported to Planning Committee on 5th April 2017. Members resolved to approve planning permission contrary to the officer's recommendation for the scheme to be refused.
2. Subsequently, the application is now reported back to the planning committee so that the S106 Planning Obligations and necessary Planning Conditions can be agreed.

Recommendations

Approve subject to securing the following S106 Legal Obligations and imposing the following conditions:

(I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 10th August 2017 the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an agreement to secure the following:

- (i) Provision of 40% affordable housing**
- (ii) Provision of 5% bungalows**
- (iii) Provision of education financial contribution**
- (iv) Provision and transfer of open space**
- (v) Provision of allotments**
- (vi) Ensure adequate ongoing maintenance of SUDS system.**
- (vii) Pay the Council's reasonable costs**

(II) In the event of such a variation to the extant obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below:

(III) If the freehold owner shall fail to enter into such a variation of the extant obligation, the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reason:

- (i) Provision of 40% affordable housing**
- (ii) Provision of 5% bungalows**
- (iii) Provision of education financial contribution**
- (iv) Provision and transfer of open space**
- (v) Provision of allotments**
- (vi) Ensure adequate ongoing maintenance of SUDS system.**
- (vii) Pay the Council's reasonable costs**

Conditions:

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

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

2. A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

(B)The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

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

3. Prior to first occupation the access shall be provided, with associated clear to ground visibility splays, to be implemented as shown in the drawing 2015-105-011 rev C (received on the 30th March 2017), and retained free of any obstruction thereafter.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Local Policy GEN1 of the Uttlesford Local Plan as Adopted (2005)

4. The existing access at shown on the site layout plan 2015-105-011 rev C (received on the 30th March 2017) shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge / kerbing immediately the proposed new access is brought into first beneficial use.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County

Council Supplementary Guidance in February 2011 and Local Policy GEN1 of the Uttlesford Local Plan as Adopted (2005)

5. 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.

REASON: To ensure that appropriate parking is provided in the interests of highway safety and efficiency in accordance with policy DM8 and Local Policy GEN1 and GEN8 of the Uttlesford Local Plan as Adopted (2005)

6. No development shall take place until an Ecological Design Strategy (EDS) addressing ecological mitigation, compensation and enhancement has been submitted to and approved in writing by the local planning authority. The EDS shall pull together the conclusions and recommendations of the EA (Aspect Ecology, December 2015) include shall the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter. It shall include details of the legal and funding mechanism(s) by which long-term implementation will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the EDS are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development hereby permitted shall be implemented in accordance with the approved EDS.

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).

Justification: The proposed development site lies in a potential sensitive area and therefore it is essential that these details are submitted for approval in advance of the works being undertaken to ensure that any archaeological deposits present on the site are appropriately investigated prior to development.

7. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be

implemented prior to occupation. In particular the Detailed Design should provide for the following mitigation measures outlined in the Flood Risk Assessment:

- a) Control all the surface water run-off generated within the development for all events up to and including the 1 in 100 year event inclusive of climate change. Please note following the newly published climate change allowance, we expect a 40% uplift on rainfall intensity to be applied during the Detailed Design Stage.
- b) A detailed hydraulic model showing the results of all the SuDS features (swales, attenuation basin etc) cascaded together and showing their combined effect in meeting both the water quality and water quantity criteria.
- c) Run-off management within the site must prioritise the use of SuDS both as a means of water conveyance and to provide source control, water quality treatment and bio-diversity enhancement.
- d) Provide evidence of water quality treatment from the development using the risk based approach as outlined in the CIRIA SuDS manual C753.
- e) Provide a plan showing the final exceedance flow paths, these should be away from any buildings.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective operation of SUDS features over the lifetime of the development. In addition to reduce the risk of flooding from overloading the surface water pipe network and to mitigate environmental damage caused by runoff during a rainfall event in accordance with local policies GEN2 and GEN6 of the Uttlesford District Local Plan as Adopted 2005 and the National Planning Policy Framework.

8. 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

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

9. No development shall take place until an assessment of the noise environment has been carried out by a competent person, to include significant existing and potential noise sources and the impact on the proposed development, taking account of national and local policies and guidance. Based on the findings of the assessment, a noise insulation and design scheme shall be produced detailing the measures to be taken to mitigate against the effects of noise on the proposed development, including the acoustic insulation performance of the residential units.

The scheme shall aim to achieve the following design criteria:

- a) For internal noise levels, the recommendations set out in British Standard 233:2014
- b) Sound Insulation and noise reduction for buildings:
- c) Living rooms 35db LAeq 16hr
- d) Bedrooms 30 dB LAeq 8hr

- e) In view of the likelihood of frequent night time peak noise from overflying aircraft, the internal noise criteria of 45 dB LA max.
- f) The amenity areas of the dwellings shall aim to achieve 50dB LAeq 6hr

The noise assessment and mitigation scheme shall be submitted to and approved in writing by the Uttlesford Planning Authority, and the scheme as approved shall be fully implemented before the dwellings hereby permitted are occupied and shall not be altered without prior approval.

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

Background Papers

Planning Application Reference UTT/16/3669/OP and report to Planning Committee 5th April 2017.

