



# Uttlesford District Council

Chief Executive: Dawn French

## Planning

**Date:** Wednesday, 14 June 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, M Lemon, J Lodge, J Loughlin, A Mills (Chairman), L Wells.

**Substitutes:** A Gerard, G LeCount, V Ranger, H Ryles, G Sell.

## 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 the Meeting held on 10 May 2017** 5 - 8  
To consider the minutes of the previous meeting.
- 3 UTT-17-0255-FUL, Land to the West of Lime Avenue** 9 - 36  
To consider application UTT-17-0255-FUL, Land to the West of Lime Avenue.
- 4 UTT-17-0952-OP, Westons Yard, Chelmsford Road, White Roding** 37 - 54  
To consider application UTT-17-0952-OP, Westons Yard, Chelmsford Road, White Roding.

**5 UTT-17-0540-HHF, Dove Cotes, Woodmans Lane**

55 - 60

To consider application UTT-17-0540-HHF, Dove Cotes, Woodmans Lane.

## **MEETINGS AND THE PUBLIC**

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

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

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

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**PLANNING COMMITTEE held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 2pm on 10 MAY 2017**

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

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

Also present: Councillor E Oliver.

**PC67 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Councillors Freeman and Fairhurst declared a non-pecuniary interest as members of Saffron Walden Town Council. In addition, Councillor Freeman declared that he was also the Mayor of Saffron Walden and had previously been Chairman of Planning at Saffron Walden Town Council. He said he had neither voted, nor directed the Town Council Planning Committee on how to vote, on application UTT-17-0522-OP, and that the minutes of those meetings would confirm that. He therefore felt he was able to be involved in proceedings.

**PC68 MINUTES**

The minutes of the meeting held on 5 April 2017 were approved and signed by the Chairman as a correct record.

**PC69 UTT-16-3255-FUL – LITTLE MAYPOLE, THAXTED**

Item 4 was heard first.

The proposal sought planning permission for the construction of 9 dwelling houses with associated parking and landscaping, at the end of the cul-de-sac known as Little Maypole.

Members expressed concern that the height and size of the buildings in the proposed development would be detrimental to the character of the surrounding area, as well as to the neighbouring houses

RESOLVED that the application be refused for the following reasons:

- 1) The proposed development for the construction of 9 dwellings by reason of their inappropriate size and scale and excessive height, would result in a development being detrimental to the character

and appearance of the surrounding area and the street scene. The development is therefore contrary to policy GEN2 of the Local Plan as Adopted (2005) and the National Planning Policy Framework.

- 2) The proposed dwellings house would by reason of their size, scale and close proximity to the adjoining properties known as 15, 16 and 16 Clair Court would result in an intrusive and unneighbourly development which would cause an overbearing and harmful impact to the amenities of the adjoining property occupiers contrary to policy GEN2 of the Adopted Local Plan and the National Planning Policy Framework.

*Ashley Wynn spoke in support of the application.*

*Councillor Frostick, Peter Neale, Tom Wilson, David MacPherson, Trina Mawer and Richard Haynes spoke against the application.*

PC70

### **UTT-17-0522-OP - LAND OFF WALDEN ROAD, SAFFRON WALDEN**

The application represented 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 for the lack of mitigation through a Section 106 Agreement. That application was at present the subject of an appeal. The revised application sought to overcome the technical objections to the previous application. It had made no changes to the overall number of dwellings and also sought outline planning permission for up to 85 dwellings on the site with all matters reserved for future approval apart from access.

Members expressed concern that the proposed development would have a harmful effect on the countryside's character and appearance, and that there was a lack of available infrastructure to support the population increase that would result from the construction of the dwellings.

RESOLVED that the application be refused for the following reasons:

- 1) The development of this site in open countryside would be visually intrusive and would have a harmful effect upon the character and appearance of this area of the countryside, contrary to Policy S7 and GEN2 of the Uttlesford Local Plan and advice in the National Planning Policy Framework.
- 2) The development fails to make provision at the appropriate time for affordable housing, community facilities, school capacity, public services, transport provision, drainage and other infrastructures contrary to Policies GEN6 & H9 of the adopted Uttlesford Local Plan 2005.

*Kate Fitzgerald spoke in support of the application.*

*Councillor Coote, Councillor Bald, John McLaughlin, Peter Elliott, Wendy Kidman, Carolyn Elliott and Christopher Cafferty spoke against the application.*

PC71 **UTT/17/0188/FUL – LAND ADJACENT TO THE HAZELS, WICKEN ROAD, CLAVERING**

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

RESOLVED to approve the application, subject to the conditions in the report.

*Bill Bampton spoke in favour of the application.  
Councillors Gill and Oliver spoke against the application.*

PC72 **UTT/17/0128/FUL – WOOD LANE, BIRCHANGER**

This full application proposal related 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.

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

PC73 **UTT/15/2574/FUL – HILLSIDE AND LAND REAR OF BURY WATER LANE, NEWPORT**

The application related to the proposed erection of a dwelling together with a detached garage.

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

*Bill Bampton spoke in favour of the application.*

PC74 **UTT/15/2575/FUL – HILLSIDE AND LAND REAR OF BURY WATER LANE, NEWPORT**

The application related to the proposed erection of a dwelling together with a detached garage.

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

*Bill Bampton spoke in favour of the application.*

**PC75 UTT/17/0436/FUL – LAND AT WHITEDITCH LANE, NEWPORT**

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

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

*Bill Bampton spoke in favour of the application.*

**PC76 UTT/17/0159/FUL – THE PADDOCKS, GREAT EASTON**

The proposal related to 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.

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

**PC77 UTT/16/3669/FUL – LAND ADJACENT TO GREAT HALLINGBURY MANOR, GREAT HALLINGBURY**

The application was previously reported to Planning Committee on 5<sup>th</sup> April 2017. Members had resolved to approve planning permission contrary to the officer's recommendation for the scheme to be refused. The application was now reported back to the Planning Committee so that the S106 Planning Obligations and necessary Planning Conditions could be discussed.

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

The meeting ended at 5.20pm.

**UTT/17/0255/FUL (SAFFRON WALDEN)**

(MAJOR)

**PROPOSAL:**           Erection of 31no. Dwellings with associated roads, car parking and landscaping

**LOCATION:**           Land to the West of Limes Avenue Saffron Walden

**APPLICANT:**        Persimmon Homes (Essex) Limited

**EXPIRY DATE:**     25 May 2017

**CASE OFFICER:**    Maria Shoosmith

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**1.       NOTATION**

1.1       Outside Development Limits, Stansted Airport Safeguarding Zone

**2.       DESCRIPTION OF SITE**

2.1       The application site is located outside, but on the edge of Saffron Walden Development Limits and forms an irregular triangular shaped parcel of land historically used as for agricultural purposes, located Northwest off Catons Lane and Southwest off Limes Avenue. This covers an area of 0.77 hectares.

2.2       To the north of the site is land allocated for playing fields/football pitches. To the west of the site is the Madgate Slade that runs north to south, with residential properties that are located to the west of the Slade.

2.3       Immediately to the east of the site and Lime Avenue are residential dwellings which are the affordable housing balance from the Ashdon Road site developed by Persimmons.

2.4       Beyond those dwellings are further dwellings located on and off Catons Lane, Little Walden Road and beyond. To the south of the site is Saffron Walden Football Club.

2.5       There is Public Right of Way footpath 10 that runs along Catons Lane, south of the site, over The Slade and meeting up with Public Footpath 12.

2.6       The sites ground levels are on a slight incline from southwest to north-eastwards. There is a slight 'landscape bund' along the southern boundary of the site, which defines the site from the unmade track part of Catons Lane that follows the Public Right of Way.

2.7       Limes Avenue has been constructed to adoptable standards and is accessed by vehicles from Little Walden Road. Access is gained from Limes Avenue to Catons Lane from a restricted substandard public footpath.

**3.       PROPOSAL**

- 3.1 The application is for the erection of 31 residential dwellings with associated roads, parking and landscaping.
- 3.2 The proposed dwellings would be formed around the perimeter of the site fronting and overlooking the fields to the north, the existing dwellings on Lime Avenue and towards Catons Lane and The Slade. There would also be an inner core of dwellings.
- 3.3 A dense landscape buffer is proposed to the southwest of the site along Catons Lane and adjacent to The Slade.
- 3.4 A total of 2 x 1 bedroom dwellings, 14 x 2 bedroom dwellings, 9 x 3 bedroom dwellings and 6 x 3/4 bedroom dwellings. Below is a breakdown of the proposed accommodation provision;

Plot Number	House Type	Tenure	Affordable Rent / Intermediate	Number of Bedrooms	Number of Parking Spaces	Garden Amenity Size	
1	AA	Affordable	Rent	1	1	27	
2	Ground Floor	Aawc	Affordable	Rent	1	1	39
3							
4	AB	Affordable	Rent	2	2	51	
5	AB	Affordable	Rent	2	2	59	
6	ABV	Affordable	Intermediate	2	2	59	
7	ABV	Affordable	Intermediate	2	2	75	
8	GWC	Market		3	2	102	
9	H	Market	-	3	2	100	
10	G	Market	-	3	2	101	
11	G	Market	-	3	2	102	
12	E	Market	-	2	2	58	
13	E	Market	-	2	2	50	
14	AC	Affordable	Intermediate	3	2	100	
15	AC	Affordable	Intermediate	3	2	114	
16	AB	Affordable	Rent	2	2	50	
17	AB	Affordable	Rent	2	2	56	
18	AB	Affordable	Rent	2	2	57	
19	G	Market	-	3	2	104	
20	F	Market	-	3/4	2	100	
21	F	Market	-	3/4	2	107	
22	F	Market	-	3/4	2	102	
23	F	Market	-	3/4	2	100	
24	F	Market	-	3/4	2	103	
25	F	Market	-	3/4	2	103	
26	G	Market	-	3	2	104	
27	E	Market	-	2	2	51	
28	E	Market	-	2	2	58	

29	E	Market	-	2	2	74
30	E	Market	-	2	2	80
31	E	Market	-	2	2	55
		12 A/houses = 39%		Visitors parking spaces	8	

- 3.5 The proposed dwellings would be predominately 2 storey with 6 dwellings being 2.5 storey facing towards Catons Lane and The Slade. The dwellings would vary in height from 7.2m to 10.2m.
- 3.6 The existing visitors car parking bays serving the existing dwellings on Lime Avenue are proposed to be retained. The proposed dwellings would have their own off street parking spaces with three dwellings fronting the fields will be served by a parking court. A number of visitor parking spaces to serve the proposed development is proposed to the southwest of the site.
- 3.7 The dwellings fronting the fields to the north would be accessed by a public footpath.
- 3.8 The proposed dwellings would be designed to Secure By Design principles and to Lifetime Homes Standards. 5 % (2x) of the dwellings would be wheelchair accessible.
- 3.9 The materials proposed are a mixture of render, red and buff brick, with either a grey or red roof. No details of the materials have been provided. Twelve house types are being proposed as part of the development, inclusive of maisonettes and wheelchair accessible dwellings.

#### 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.
- 4.2 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 As part of the application submission the following supporting statements have been previously submitted;
- Design, Access, Sustainability and Planning Statement ;
  - Biodiversity Questionnaire;
  - Arboriculture Constraints Report;
  - Infiltration Testing;
  - Extended Phase 1 Habitat Survey;
  - Flood Risk and Drainage Strategy Assessment;
  - SUDS Checklist;
  - Air Quality Assessment;

- Transport Statement

5.2 A supporting statement has been submitted by the applicant outline the weight that should be provided due to the lack of a 5 year land supply and have stated that “It is accepted that the Council does not have a 5 year housing land supply. Persimmon considers that the target of 568 dwellings per annum that the LPA is basing its housing land supply assessment upon, is not enshrined in an adopted planning policy and has therefore not been tested. It is purely a 2015 SHMA recommendation. Furthermore, the more up to date SHMA evidence produced to support the emerging Local Plan and based upon the latest 2014 Household Projections is identifying an OAHN of 640 dwellings per annum. According to the advice of Uttlesford’s Policy Officers informed by the Planning Advisory Service (PAS) and Planning Inspectorate (PINS), this should be the starting point for the Local Plan going forward. Based upon the Council’s Housing Trajectory (June 2016) Persimmon considers that there is a more significant shortfall in 5 year housing land supply.” And, that;

“The development plan comprising the ULP (2005) is time expired and does not meet housing needs beyond 2011;

- The Council accept that they cannot demonstrate a five year housing land supply based on a target of 568 dwellings per annum;
- The most up to date evidence based on the 2014 OAHN figure suggest that the OAHN for the district stands at 640 dwellings per annum for the period from 2011 until 2033 and this should form the baseline for the Council’s emerging spatial strategy. It should also be adopted when assessing housing land supply.
- Based upon the Council’s most recently published evidence comprising the Housing Trajectory (June 2016) the LPA can only demonstrate 3.57 years land supply when applying the 5% buffer.
- The Council have persistently under-delivered against this OAHN of 640 dpa. Based upon the Council’s most recently published evidence comprising the Housing Trajectory (June 2016) the LPA can only demonstrate 3.24 years land supply when applying the 20% buffer;
- Applying either the 5% or 20% buffer, the Council has between 3.24 and 3.57 year land supply at best. This is considered to be a serious shortfall.
- Local plan policy S7 relied upon by the LPA is out-of-date in light of paragraph 49 of the NPPF.
- Council Officers in recommending the previous application (Ref. UTT/15/3768/FUL) for approval (report to the Planning Committee on 23 March 2016 refers), whilst highlighting that the Council had between a 5.1 and 5.3 year supply depending on the housing target, the report acknowledged that the 5 year land supply was a rolling target which must be monitored closely. Furthermore, the report highlighted that the housing trajectory anticipated a shortfall in the provision in 2015/16 and 2016/17 and that the Council was likely to find itself with less than a five year supply of land for housing.
- This is a sustainable site and the development could play an important role in boosting housing land supply and housing delivery, including affordable housing.

## 6. RELEVANT SITE HISTORY

- 6.1 UTT/15/2008/FUL - Erection of 35 dwellings with associated roads, car parking and landscaping – Withdrawn August 2015
- 6.2 UTT/0400/09/FUL - Mixed use development comprising the construction of 130

residential units (37 units of affordable housing) and approximately 3800 square metres of Class B1 employment land with associated access points, play areas, open space, landscaping and associated ancillary works - Land At Ashdon Road Saffron Walden – Granted subject to S106 Agreement 24 July 2012

6.3 UTT/0407/09/FUL - Erection of 15 No. units of affordable housing, and land set aside for provision of two football pitches, public open space and community uses, flood attenuation measures, associated access, landscaping and associated ancillary works – Land At Little Walden Road Saffron Walden - Granted subject to S106 Agreement 24 July 2012

6.4 UTT/1576/12/DFO - Details following outline application UTT/0407/09/OP for erection of 15 No. units of affordable housing, and land set aside for provision of two football pitches, public open space and community uses, flood attenuation measures, landscaping and associated ancillary works with all matters reserved except access – Granted 15<sup>th</sup> November 2012

6.5 UTT/15/3768/FUL - Erection of 31no. Dwellings with associated roads, car parking and landscaping – same application as this current application. It was resolved to be granted planning permission at the May 2016 Planning Committee subject to S106 Obligation. This was refused on 4 October 2016 for the following reasons;

“The applicant has failed to complete the necessary Section 106 Obligation and has therefore failed to secure the following important contributions to infrastructure and the necessary safeguards;

1. Provision of 40% affordable housing units
2. Ensuring adequate ongoing maintenance of SUDS system.

The proposal is therefore contrary to Policy H9, GEN2 and GEN3 of the Uttlesford Local Plan adopted 2005, and the NPPF.”

## **7. POLICIES**

### **7.1 National Policies**

- National Planning Policy Framework

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

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

Comments from UTT/15/3768/FUL

8.1 I write on behalf of Saffron Walden Town Council and with regards to the above referenced planning application, please accept this email as the formal response from Saffron Walden Town Council. This application was considered at a meeting of the Town Council’s Planning & Road Traffic Committee on 16<sup>th</sup> March 2017 and the following response was agreed, as recorded under Min Ref P & RT 265-17 (d):

The Town Council strongly objects to the application on the following grounds:

1. The application is contrary to Policy No GEN 1 (Access) of the Local Plan as it does not provide sufficient access to the main road network and the network is

not capable of carrying out the traffic generated by the development safely. Lime Avenue is a relatively small, narrow road and does not have the capacity to cope with the amount of traffic which would be arising from this development.

2. The application is further contrary to Policy No GEN 1 (Access) of the Local Plan as it does not take into account the needs of cyclists, pedestrians or horse riders. There is no provision made within the application which would be of any specific benefit to any of these groups.
3. The application is not cited or referenced within Policy No SW2 of the Local Plan which notes those sites proposed for residential development with Saffron Walden's built up area. The area at Lime Avenue is not contained within the list of streets in Policy SW2
4. The application is contrary to Policy No SW7 (Land West of Little Walden Road) of the Local Plan. This policy quite specifically notes that the land to the west of Little Walden Road (i.e. this proposed development site in Lime Avenue) is "*allocated for a community centre, playing fields, and up to 15 units of affordable housing*" (extract from SW7 of the Local Plan). This Policy within the Local Plan is quite specific and effectively ring-fences this area of land for a community centre and not for residential development. To allow residential development on this land would be in absolute contradiction to the Local Plan. The 15 houses referenced within this policy are already delivered within the existing development at Lime Avenue.

Saffron Walden Town Council has a desire to create, build and manage a community centre on this site (within Policy SW7) and as included within the Local Plan. There are other sites available for housing in and around the town centre area and this land should not be taken given the agreement in the Local Plan to ring fence for a community centre. There is still a need and desire for such a community centre and the Town Council would be happy to enter into further discussions and negotiations with UDC regarding the feasibility of this. This option must not be considered unviable or unachievable without any reference to the Town Council who would welcome entering into further discussions about this opportunity.

5. It is noted that in earlier correspondence from you from 2016 (in relation to the now refused application from March 2016, app No UTT/16/3768/FUL), it is suggested that the land is used for residential development given the that the NPPF changes legislation, from your email of 21<sup>st</sup> January, you advise (extract as below):

8.2 *"Unfortunately the planning system does not work in that manner or that quickly in terms of local plans. Local plans are a rolling project in terms of them being worked on until they are adopted and can take anything from between 5 to 10 years on one plan. Legislation changes occur more quickly and so frequently that a local plan could not necessarily keep up with this process and the processes involved in the adoption of a local plan, including site allocations."*

*The introduction the NPPF is a material consideration which has considerable weight in the assessment of applications.*

- 8.3 It is further noted, however that the National Planning Policy Framework documents, issued by the Department for Community and Local Government, March 2012, paragraph 12 notes:

*"This National Planning Policy Framework does not change the statutory status of*

*the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.”*

8.4 The NPPF is therefore quite specific in its advice that proposed development which conflicts with the Local Plan (as this one does) should be refused. There are no known material considerations which would justify UDC changing this interpretation. On this basis alone, the application should therefore be refused.

6. UDC has a Housing Trajectory for a 5 year land supply which was republished in November 2015 and this indicates that there is sufficient land trajectory for the next 5 years to meet the requirements of local needs and demands and importantly to meet the NPPF. This document includes specific details of the areas of land to meet this need and the site at Lime Avenue is only included as part of the 15 homes which have already been developed and provided. The area of land therefore subject to this planning application, does not feature in the list of proposed development area. It is therefore incorrect to suggest that in this instance there may be material changes (ie the NPPF) which could “usurp” the Local Plan as clearly this is not the case. There is sufficient provision within the current 5 year land trajectory and this development is contrary to the Local Plan and on that basis alone should be refused. On the basis that there is already sufficient land development to meet housing needs, the Town Council further objects to this application.

7. It is noted that for the planning application UTT/16/2210/OP submitted by Gladmans and subsequently refused by UDC in December 2016, the same arguments and highway reasons for objection stand for this new application and those comments submitted by ECC Highways in relation to the application by Gladmans for the Little Walden site must be equally considered valid to this application. This proposed development will have the same impact on the road and highway infrastructure as that proposed from the Little Walden site and those comments and objections raised by ECC Highways to that application are equally valid to this.

The Town Council further notes that should UDC be minded to approve this application, then the following requires further consideration and resolution:

8. There should be adequate and improved pedestrian access from Catons Lane into the town centre;
9. That the Town Council must be involved in and make direct contribution towards the S106 discussions and negotiations.

8.5 To object and reiterate the Town Council's previous objections and also to add that the land is Community Land allocated for a Community Centre, Playing fields and up to 15 affordable housing units; as per Policy No SW7 of the 2005 Local Plan. To allow residential development of this land is a contradiction to the Local Plan. The 15 houses referred to in the Local Plan are already delivered within the existing development at Lime Avenue. To further add that the objections and comments raised by ECC Highways to the previous planning application at Little Walden Road (i.e. concerns re traffic movement and congestion) were equally valid for this application and should be considered as part of the Town Council's objections to the application.

8.6 To further note that should UDC be minded to approve this application the following would require consideration and resolution:

- a. Adequate pedestrian access should be put in place through Caton's Lane
- b. The Town Council must be involved and have direct contribution to the S106 discussions and negotiations.

8.7 **Further comments received 31.05.2017**

Further to the revised plans submitted (expiry date for representation being 6th June 2017), I write on behalf of Saffron Walden Town Council to add the following to the Town Council's objection to this application:

1. It is noted that the boundary line of the development should not be at the edge of the application site. Should the boundary line of the development be at the edge of the site, this may present access issues to any future residents
2. It is further noted that the disabled access would be difficult for the affordable housing element of the development which is proposed for the boundary line and perhaps these should be moved to an alternative location within the development.
3. Please further note the Town Council's response as of 6th April 2017 (copy as below) which remains as the Town Council's primary response to this planning application with this email being an addendum to that.

8.8 By means of this email, I would also request that UDC Planning Officers and Committee have due regard and consideration to the newly submitted outline planning application from Saffron Walden Town Council. This is an outline application for a community centre on land which is adjacent to this proposed development and land which will be transferred under a lease agreement to the Town Council. This Town Council outline planning application should therefore be considered as a material consideration as part of the overall consideration for this planning application of 31 homes at Lime Avenue.

## 9. **CONSULTATIONS**

### **ECC Highways**

9.1 This is a duplicate of application UTT/15/3768/FUL that was previously given a resolution to grant and the highway aspects of the scheme were considered with that application. It is the second phase of an existing development, from the newly constructed Limes Avenue, (which is within the red line of the development) the highway authority is asserting that this has not been constructed to adoptable standards and therefore at present the road will not be adopted by the highway authority. It is understood that Persimmon is currently undertaking investigations in to what is required to bring the road up to standard. Therefore I am asking the planning authority to consider the first conditions.

9.2 From a highway and transportation perspective the impact of the proposal as shown in principle on Drawing No. PH-112\_003 Rev A-19/02/16 is acceptable to the Highway Authority subject to conditions.

### **UDC Environmental Health**

## Air Quality

- 9.3 The site is just within the boundary of the Air Quality Management Area covering the centre of Saffron Walden. As a result, the impact of the development on air quality in the town must be minimised as far as practicable, and no mitigation has been proposed. The additional number of vehicles accessing the town centre road network as a result of the development is estimated to be 21 in the am peak period, and as a consequence the air quality impact has been assessed as negligible. When considered alongside the two recent residential developments off Little Walden Road, and the completed and committed developments off Ashdon Road, the cumulative impact of a small increase in the vicinity becomes more significant, and mitigation becomes more critical to achieve compliance with the air quality objectives within the Air Quality Management Area. It is therefore recommended that all available measures to secure mitigation against increased congestion are taken, whether through condition or financial contribution towards measures beyond the site boundary. The mitigation could include the following:
- Infrastructure - other than provision for use of the existing footpath to Catons Lane, there is an absence of infrastructure to encourage non car travel. Secure cycle storage, a cycle path onto Catons Lane, and electric vehicle charging points at each parking space should be required as a minimum
  - Improvements to Catons Lane to facilitate safe cycle and pedestrian use
  - Information to residents to encourage non car travel in the form of a travel Pack

## Lighting

- 9.4 The site has the potential to cause loss of amenity due to a new source of artificial lighting in the neighbourhood. The applicant should demonstrate that lighting will be at the minimum level necessary to achieve its purpose, with minimal glare and light spill. The following condition is requested to protect against loss of amenity: "Details of proposed external lighting shall be submitted to and approved in writing by the local planning authority prior to installation. Development shall be carried out in accordance with the approved details"

## ECC SUDs

*Comments dated 30.03.2017*

- 9.5 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a holding objection the granting of planning permission based on the following:  
The Drainage Strategy submitted with this application does not comply with the requirements set out Essex County Council's full 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:

- **Include the right climate change allowance.**

- 9.6 The application was validated after 19th February 2016, therefore the new climate change allowances should be applied (<https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>). We require design to be to the upper end allowance (i.e. 40%), unless this can be shown to make the development 2 unviable, in which case the central allowance should be used with a sensitivity analysis carried out for the effects of the upper allowance.

- **Restrict to a suitable discharge rate.**

9.7 Historically 5l/s was applied to an outlet where Qbar was lower than 5l/s, as most devices would require an outlet orifice size smaller than 50mm, which would increase the susceptibility of blockage and failure. There are now vortex flow control devices which can be designed to a discharge at 1.0l/s, with 600mm shallow design head and still provide a more than 50mm orifice diameter. Furthermore, it is expected that appropriate measure should be put in place to remove materials that are likely to cause blockage before they reach the flow control device. Calculations for the run-off rate and detailed calculations highlighting the storage amount needed to manage the critical 1 in 100 inclusive of climate change storm event should be submitted. These will then be reviewed on submission. Please note the run-off rate should be based only on the areas draining to the attenuation storage system.

- **Demonstrate permission to discharge to surface to a surface water sewer.**

9.8 If discharging to a surface water sewer, permission in principle should be demonstrated from the relevant water authority. Please note it should also be highlighted why discharging to a watercourse is not feasible in line with the discharge hierarchy.

- **Demonstrate that enough surface water treatment has been provided on site**

9.9 It should be demonstrated that all areas of the site are receiving enough surface water treatment in line with Chapter 26 of the CIRIA SUDs Manual C753. However, in the event that more information was supplied by the applicants than the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required. Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

We also have the following advisory comments:

- A consistent site area must be used throughout calculations. There are contradictory site areas with 0.8ha and 1.3ha being indicated as the site area.
- More detail will be needed to be submitted at the detailed stage as to why infiltration is not viable across the whole site.
- More information should be submitted at a later stage whether the site can discharge to a watercourse if infiltration is not viable across the whole site.
- More information should be submitted at a later stage about any surface water flows across the site and whether these will effect storage provisions on site.
- We do not consider trapped gullies and catch pits as appropriate forms of pollution mitigation because of the high risk of remobilisation of pollutants using this method of treatment.

*Comments dated 19.04.2017*

9.10 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 subject to conditions.

## **Sport England**

- 9.11 The proposed development is not considered to fall either within our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance Par. 003 Ref. ID: 37-003-20140306) upon which we would wish to comment, therefore Sport England has not provided a detailed response.
- 9.12 General guidance and advice can however be found on our website: <http://sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/>
- 9.13 If the proposal involves the **loss of any sports facility** then full consideration should be given to whether the proposal meets Par. 74 of National Planning Policy Framework, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.
- 9.14 If the proposal involves the provision of a **new sports facility** then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition such facilities, to ensure they are fit for purpose, should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:
- 9.15 <http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>  
If the proposal involves the provision of additional **housing** (then, if existing sports facilities do not have the capacity to absorb that additional demand, new sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, local standards and/or priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

## **Natural England**

- 9.16 No comments.

## **UDC Housing Enabling Officer**

- 9.17 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.
- 9.18 The affordable housing provision on this site will attract the 40% policy requirement as the site is for 31 (net) units. This amounts to 12 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.
- 9.19 The location and broad mix of the affordable units is policy compliant although there is no bungalow provision on this site. The Council requires 5% of units to be delivered as bungalows on all sites. This would equate to 2 bungalows. These units could be delivered as 1x1 bed bungalow for affordable rent and one bungalow for market sale.

## **Environment Agency**

9.20 No comments received.

### **Anglia Water**

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

9.22 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. 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.

### **Affinity**

9.23 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.

9.24 The construction works and operation of the proposed development site should be conducted 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.

9.25 For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

### **Aerodrome Safeguarding**

9.26 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 Education**

9.27 Contribution of £106,297 towards primary education needs in the area.

### **ECC Ecology**

9.28 Holding objection

The Extended Phase 1 Habitat Survey (EP1) is dated March 2015 and is technically out of date. The applicant should commission an update to this survey to ensure the

conditions reported have not changed in the interim.

- 9.29 The EP1 should also be updated to include the applicant's site layout to give confidence that recommendations provided are appropriate in the context of the design, to ensure sufficient protection is given to the neighbouring watercourse and to ensure biodiversity value (e.g. green infrastructure and enhancements) is maximised post-development. This is further supported by the requirements of NPPF (paragraph 109) which requires development to minimise impacts on biodiversity and provide net gains in biodiversity where possible.

Should the above be resolved, I would also like to recommend appropriate conditions.

*Comments dated 19.05.2017*

**No objections subject to condition**

- 9.30 The Extended Phase 1 Habitat Survey (SES, 2017) has been updated to address Place Services' comments dated March 2017. The report is now considered complete; including a consideration of a development layout.

**NATS**

- 9.31 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.
- 9.32 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.

**Conservation Officer**

- 9.33 No objection regarding views to the church. (Verbal comments)

**Linesearch**

- 9.34 There are assets in the vicinity of the area.

**10. REPRESENTATIONS**

- 10.1 The neighbouring properties have been consulted of the current application. The scheme has also been advertised on site and in the local press. 6 objections have been received raising the following points;

- Current development not completed in terms of roads and footpaths;

- Car park better located near football grounds;
- Catons Lane should be widened with speed humps;
- Highways agency has objected due to volume of traffic;
- Water pollution;
- No new infrastructure for the area/pressure on existing infrastructure;
- Increase traffic;
- Highway safety;
- Air quality/ cumulative effect;

## 11. APPRAISAL

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

- A Principle of Development
- B Design & Amenity
- C Highways
- D Landscape
- E Infrastructure provision to support the development
- F Biodiversity
- G Flood Risk and Drainage
- H Other material considerations

### A Principle of Development

- 11.1 The application site lies outside but adjacent to the Development limits of Saffron Walden. The site therefore falls within designated countryside under Policy S7 of the adopted Local Plan. 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. Whilst the application site lies in a countryside location the site itself forms part of a wider designation under Local Plan proposal map Policy SW7 which states *“Land at Little Walden Road identified on the proposals map (5.2ha) is allocated for a community centre, playing fields and up to 15 units of affordable housing. Development of the site will be subject to the approval of a Master Plan setting out location of the various uses and Flood Risk and Traffic Impact Assessments.”*
- 11.2 The introduction the NPPF is a material consideration which has considerable weight in the assessment of applications. The Ann Skippers report of the Uttlesford Local Plan 2005 - National Planning Policy Framework Compatibility Assessment (July 2012) was adopted by Cabinet for Development Management Purposes in September 2012. This has been undertaken comparing each local plan policy to the NPPF. This states *“Planning applications should continue to be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) of the Planning and Compulsory Purchase Act 2004). The NPPF is a material consideration. Whilst policies adopted prior to the publication of the NPPF should not be considered to be out of date, paragraph 215 of the NPPF explains that ‘due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)’. In other words decision makers must assess the degree to which relevant*

*policies are consistent with the NPPF. This document will assist with that judgement, but is not a substitute for decision makers undertaking that exercise themselves.”*

- 11.3 With regards to Policy SW7 this states that the NPPF stance *“In general health, social and cultural wellbeing for all should be improved and sufficient community and cultural facilities and services to meet local needs should be delivered. Plan positively for the provision and use of shared space and community facilities, including allocation of sites in town centres.”* In terms of the policies consistence with the NPPF it is consistent in principle however the Site specific allocation for community centre, playing fields and affordable housing. Supporting text refers to PPG25 now superseded by the NPPF”.
- 11.4 As part of planning application UTT/0407/09/OP and UTT/1576/12/DFO the playing fields and the 15 affordable dwellings were secured together with the creation of Lime Avenue. The 15 units were the affordable housing balance from the Ashdon Road site. Under the applications this part of the site whilst falling within the redline it did not form part of the overall scheme and has been indicated on a masterplan under the outline application that this would be reserved for future dwellings. Even though a community centre has not come forward the aims of Policy SW7 have been met in so far as the provision of two football pitches, public open space and community uses under application UTT/1576/12/DFO. The fact that a community centre, as raised by Saffron Walden Town Council, has not come forward the Local Planning Authority cannot insist upon this nor is it a reason to recommend refusal. The LPA has a duty to assess all applications that are submitted to them.
- 11.5 National Planning Policy Framework states 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 5-year supply of deliverable housing sites. At present the Council cannot demonstrate a deliverable 5 year supply of housing land therefore this is a material consideration in the assessment of this application.
- 11.6 Notwithstanding this applications have to be considered against the guidance set out in Paragraphs 6 - 15 of the NPPF. The Council needs to continue to consider, and where appropriate, approve development which is sustainable and meets its housing objectives.
- 11.7 Applications for sustainable development outside development limits may need to continue to be granted where appropriate to ensure the level of housing supply is robust and provides a continuous delivery of housing.
- 11.8 However, although the primacy of the Development Plan is set out in legislation, Government advice contained in the NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 11.9 Paragraphs 7 and 14 of the NPPF set out that there is a presumption in favour of sustainable development. The core principles of the NPPF set out the three strands of sustainable development. These are the economic role, social role and environmental role. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. It is therefore necessary to consider these three

principles.

- 11.10 Economic role: The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. Whilst the proposed development does not directly provide employment it would however provide short term employment for locals during the construction of the site, however it would also support existing local services and provide the possibility of small start-up businesses. The sites transport connectivity would also facilitate in supporting this element. This proposal would help deliver to an economic role.
- 11.11 Social role: The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposal would make a contribution towards the delivery of the housing needed for the district, including provision of affordable housing, and housing designed to be accessible as per Part M of the Building Regulations.
- 11.12 The design would integrate into the area by protecting the existing public footpaths providing connectivity to existing road and footpath network through the provided safe route of Lime Avenue; it demonstrates making efficient use of the site. The landscaping would be used to reduce the visual impacts and significantly improve the existing minimal landscaping elements on site. The scheme would also directly overlook the playfield pitches that have been secured under consent UTT/0407/09/OP providing the scheme with direct access to open space and playing fields.
- 11.13 Taking the above into account the application site would be located adjacent to one of the most sustainable Town in the District which consists of schools, shops, post office, library, town hall, doctor's surgery, church, public houses, bus services and links to a train station. The scheme is within close proximity to the Town Centre at approximately 800m through its links with Catons Lane and Lime Avenue. The site links with adjacent public footpaths links the site to the Anglo-American Playing fields and Bridge End Gardens. The site's transport connectivity would also facilitate in supporting the social role element.
- 11.14 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. The introduction of new landscaping scheme would facilitate in creating habitats and the localities biodiversity would be enhanced and preserved.
- 11.15 The site is adjacent to existing built form on the edge of the Town and therefore it is not an isolated site. The reduced need to travel by car as a result of the site's transport connectivity would facilitate in reducing carbon emissions. This proposal would help to deliver an environmental role.
- 11.16 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. I attach significant weight to this and consider that the more recent national policy set out in the NPPF should take precedence over Policy S7 and SW7 of the Local Plan.

- 11.17 In consideration of the above the development is sustainable development and the principle of the proposal is acceptable in this context.
- 11.18 Nonetheless, it should be noted that the principle has been previously been considered under planning application UTT/15/3768/FUL was considered to be acceptable in the resolution to grant planning permission.

## **B Design & Amenity**

- 11.19 The application site covers an area of 0.77 hectares. The density of up to 40 dwellings per hectare is higher in comparison to previous government guidance average density of 33dph, however it is not considered that it would be greatly different or out of place in relation to the surrounding built form.
- 11.20 Dwellings of 2 and 2 ½ storey are proposed as part of the scheme. There would be a number of varying house types and building heights. Whilst the design of the housing types are not considered to be outstanding or unique, in the context of the surrounding area and development which has recently been granted to the west of the site this is considered to be acceptable and in general keeping. This has been illustrated through submitted perspective views and street scene elevations of the proposed houses. The palette of proposed materials is considered acceptable and in keeping with its surroundings, subject to a condition requesting samples of the materials should planning permission be granted, in accordance with Policy GEN2 of the local plan.
- 11.21 The plans indicate that dwellings have been designed to respect back to back distances to prevent overlooking between proposed dwellings. Plots 14-18 in relation to 27 to 31 fall below the Essex Design Guide 25m with the closest points being 19m between the buildings corner to corner. However, these dwellings are orientated at an angle to each other with windows splaying away, and Plot 14 at first floor closest windows serves a non-habitable room (bathroom) thereby preventing direct overlooking. This is therefore considered to be acceptable.
- 11.22 The accommodation breakdown in Section 3.4 above indicates that there would be sufficient amenity space as the dwellings would either meet or exceed the guidance thresholds in accordance with the Essex Design Guide and Policy GEN2.
- 11.23 In terms of the provision of public open space the scheme is adjacent to the playing fields secured under the previous neighbouring application by the applicant.
- 11.24 The Design and Access Statement highlights that consideration has been given in designing the scheme in accordance with Secure by Design principle by having dwellings overlooking the playing fields, providing direct road routes within the scheme, natural surveillance of parking spaces and on-plot parking where possible and avoidance of windowless elevations. Environmental Health's comments regarding loss of amenity due to a new source of artificial lighting in the neighbourhood can be addressed through a condition should planning permission be granted. This is in accordance with Local Plan Policy GEN2 of the Local Plan.
- 11.25 Two wheelchair accessible units are proposed to achieve 5% of the total provision, in accordance with supplementary guidance. It is stated that the dwellings would also accord with Lifetime Home Standards. It has been confirmed within the submission that the dwellings would conform to Building Regulations in terms of meeting energy efficiency standards. This is in accordance with Local Plan Policies GEN1 and GEN2.

11.26 This application addresses a number of previous concerns which has been raised during the course of assessing the withdrawn application UTT/15/2008/FUL. This includes a reduction in dwellings from 36 to 31, level of hard standing in front of dwellings reduced together with parking courts, inclusion/thickening of green buffer, block apartments removed, breaking down of affordable housing cluster, improved gardens, removal of flats above garages and reinstatement of visitor parking spaces. The design of the scheme is now considered to be acceptable and in accordance with Local Plan Policy and the NPPF.

## **C Highways**

11.27 Local plan policy GEN1 states “development will only be permitted if it meets all of the following criteria;

- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
- b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
- c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expects to have access.
- e) The development encourages movement by means other than driving a car.”

11.28 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework. The application site is located adjacent to the town’s development limits and off Little Walden Road, whereby there is good accessibility to the main town centre. The site is located adjacent to the development limits of Saffron Walden which has very good access to road, and rail network. Bus stops are located within 400m of the application site, with further routes available on Common Hill, approximately 500m from the site. It is one of the most sustainable settlements within the district. The site accords with Local Plan Policy GEN2 and GEN1 in this respect.

11.29 It has been resolved through the last application UTT/15/3768/FUL and a revised Transport Statement that the trip generation for the 31 dwellings would be a total of 21 two-way vehicle movements in the morning and 17 two-way vehicle movements in the afternoon during peak periods. This looks at the proposal cumulatively with the adjacent 15 dwelling development and existing 22 dwellings which are serviced by the Little Walden Road service road, linked to Lime Avenue. The Transport Statement highlighted that the cumulative two-way vehicle movement would be 47 in the morning and 38 in the afternoon peak hours. Based on the information provided the Statement concluded that the priority junction at Little Walden Road would continue to operate well, as would the local highway network and would not have a material impact upon the Lime Avenue/Little Walden Road priority junction to the detriment of highway safety. The forecast peak trips are shown below, the impact on surrounding network will be relatively low and it would be difficult to argue severe impact. As a result no objection has been raised from ECC Highways Authority subject to conditions. Therefore the development is considered to accord with Local Plan Policy GEN1 and GEN2 in respect of highway safety.

11.30 Based on the proposed accommodation breakdown in Section 3.4 each plot meets car parking standards in accordance with Local Plan Policy GEN8, Essex Car

Parking Standards (2009) and Local Residential Parking Standards adopted (February 2013), with the exception of Plots 20 – 25 whereby the house type indicates the possibility of the lounge at first floor being used as a fourth bedroom which would require a third parking space. It has been argued by the applicant that the site is within a sustainable location and there is alternative means non-car transport available. Due to the indefinite use of the rooms as a fourth bedroom and the location of the site this aspect of the scheme is generally considered acceptable and in accordance with Policy GEN8 and the Essex Parking Standards which state “*reductions of the vehicle standard may be considered if there is development within an urban area (including town centre locations) that has good links to sustainable transport*”. This is not considered to be sufficient reason for a refusal.

- 11.31 The on-plot parking spaces comply with the Essex Parking Standards preferred sizes. However, the serving Plots 5-7, 16-18, and 27-28 are to special circumstances standards as defined within the EPS. However, no very special circumstances have been demonstrated and the scheme is considered can be revised to accord and can be adequately dealt with by way of condition should planning permission be granted, in accordance with the EPS and Policy GEN8 of the Local Plan.
- 11.32 A total of 8 visitor parking spaces have been provided as part of the scheme, this accords with the EPS requirement of 0.25 visitor parking spaces per dwelling.
- 11.33 The scheme proposes the main road would be 5.8m wide, with the combined surface, at 4.8 and the private drives serving no more than five dwellings being 3m wide.
- 11.34 In considering the above the proposed development is acceptable in terms of highways subject to recommended conditions by the Highways Authority and it is also therefore in accordance with Policies GEN1, GEN2, GEN8 of the adopted Local Plan (2005).

## **D Landscape**

- 11.35 In terms of landscaping an Arboricultural Assessment has been submitted as part of the application together with a landscaping scheme.
- 11.36 Whilst the site is a field there is little vegetation of value, particularly along the site’s margins. One low category tree on site is proposed to be removed.
- 11.37 The proposed landscaping plan shows a landscape buffer along Catons Lane integrating the scheme into the countryside to the west and beyond and also as transitional integration from the development to Lime Avenue and into Catons Lane. Landscaping of front gardens would provide softening within its wider setting and of hardscaped areas.
- 11.38 The proposed landscaping scheme would add positive value in the form of creating and enhancing existing habitat.
- 11.39 A boundary treatment plan has been submitted as part of the application which indicates a mixture of timber fencing and hedging. This in principle is considered acceptable however no information has been provided in terms of heights etc. Therefore should planning permission be granted a condition is recommended.
- 11.40 The scheme accords with Policies GEN2, GEN7 and ENV8 of the Local Plan.

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

- 11.41 Local Plan Policy GEN6 relates to infrastructure provision to support proposed development. This states that “*Development will not be permitted unless it makes provision at appropriate time for community facilities, school capacity, public services, transport provision, drainage and other infrastructure that are made necessary by proposed development. In localities where cumulative impact of development necessitates such provision, developers may be required to contribute to the cost of such provision by the relevant statutory authority*”. Based on the size and scale of the proposed development the following mitigation is proposed commensurate to the development in accordance with Local Plan Policy GEN6 and Planning Practice Guidance.
- 11.42 Local Plan Policy H9 requires that 40% affordable housing is provided on sites having regard to market and site conditions. The development would generate a need for 12 out of the 31 dwellings to be affordable housing. Whilst this provides 39% the provision of 13 dwellings would exceed the 40% at 42%. Therefore the scheme is considered to comply with policy as far as possible. These dwellings have been provided in clusters of less than 10 units in accordance with guidance.
- 11.43 Local Plan Policy H10 seeks a balanced mix of units. Section 3.4 above identifies the proposed scale of the dwellings in terms of the number of bedrooms. It is considered that the development would provide a balance mix of dwellings through the provision of 1, 2, 3, and 4 bedroom units, including the provision of 5% accessible wheelchair dwelling requirement.
- 11.44 No additional open space or additional highway works is required for the proposed development due to the measures which have been secured as part of previous development in Saffron Walden.
- 11.45 In terms of education contribution ECC Education seek a contribution of £106,297 towards primary education needs in the area. This position has altered since the assessment of the last application.
- 11.46 The above infrastructure obligations would be secured through a Section 106 Agreement should planning permission be granted. Long term management and maintenance of the sustainable drainage would also need to be secured through a S106 Agreement to ensure its enforcement. In view of the above, it is evident that the necessary infrastructure can be provided to meet the needs of the development in accordance with Policy GEN6 of the Local Plan. The third party and consultee requests for a new footpath along Catons Lane. This is considered to be unreasonable in size and scale in relation to the scheme and does not meet the six tests outlined within the National Planning Policy Guidance.

## **F Biodiversity**

- 11.47 An Extended Phase 1 Ecological survey has been submitted which confirms that the site has very low ecological value and that the habitats are not considered to have the potential to be of value to protected species. Various precautionary mitigation measures have been identified within the report. ECC Ecology have lifted their initial objection following the submission of additional information. A site inspection has confirmed that there is one low amenity value tree present on the application site. This is proposed to be removed; however it is unlikely to affect any nesting birds. The application therefore accords with Policy GEN7 of the Local

Plan.

## **G Flood Risk and Drainage**

- 11.48 The application site is located in Flood Risk Zone 1 and has a low probability of the risk of flooding. Local Plan Policy GEN3 states that development would only be allowed if it does not increase the risk of flooding. The Slade is located 20m away from the application site and it is set approximately 2.7m at a lower ground level. A Flood Risk Assessment has been submitted as part of the application together with a drainage scheme. The FRA highlights that due to the location and topography of the site there is a low risk of flooding. The existing affordable dwellings to the east of the site are captured by the drainage installed within Lime Avenue.
- 11.49 Foul water is proposed to be captured by the foul sewer located along the western boundary due to the ground levels. The existing sewer to the east is owned by the applicant and is stated it is to be adopted by Anglia Water in the near future.
- 11.50 All surface water drainage is proposed to be designed to accommodate climate change. Infiltration tests undertaken are stated to have concluded that surface water disposal through infiltration would not be viable. Therefore the surface water would be controlled through the provision of storage tanks which are proposed on site which would control the release of surface water into the main water system.
- 11.51 Anglia Water previous response to the application states *“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. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). We request a condition requiring a drainage strategy covering the issue(s) to be agreed.”* Whilst Anglia Water have indicated concerns over the proposal the scheme would require the separate formal consultation and consent from Anglia Water if the drainage scheme is to be adopted and would also need to meet Building Regulations. Their concerns are stated to be resolvable subject to condition should planning permission be granted. Nonetheless, further to the additional information sought by since the first application (UTT/15/2008/FUL) and discussions with ECC SUDs raise no objection subject to conditions and an informative. ECC had previously stated in their response that *“Following receipt of the revised FRA/Drainage Strategy and correspondence with Mr Michael Pearce (26.01.16) following our initial objection on 15.07.15, we consider that a surface water drainage scheme has been proposed which demonstrates that surface water management is achievable in principle, without causing flooding on site or elsewhere. We consider that full planning permission could be granted to the proposed development subject to planning conditions.”* It is considered that this matter can be addressed by way of condition and Section 106 obligation should planning permission be granted, in accordance with Local Plan Policy GEN3 and the NPPF.

## **H Other material considerations**

- 11.52 The site is located within close proximity to the town centres Air Quality Management Area. An Air Quality Assessment has been submitted as part of the

application and has been assessed by the UDC Environmental Health Officer.

- 11.53 Nitrogen Oxides and particulate matter modelled for the assessment and compared to annual air quality objectives. This assessment also took into account short term construction pollution levels. The assessment concluded air pollution levels that would be generated from the development would be negligible. Environmental Health's comments are outlined in Section 9.2 above. Whilst no objections have been raised subject to conditions on both this application and the previous application the request for additional footpaths links into the Town Centre have been addressed in Section 11.46 above. The EHO previously stated "*The impact of the subject proposed development on air quality within the town is negligible, and taking account of the cumulative impact on air quality, is insufficient as a grounds for refusal.*" In terms of cumulative development the site referred to on Little Walden Road has been refused and is currently at appeal. It is considered that a refusal could not be substantiated on these grounds. The proposal is therefore considered in accordance with Local Plan Policy GEN2 and ENV13, and the NPPF.
- 11.54 Due to the historical use of the application site no contamination or archaeological artefacts are considered present on site, in accordance with Local Plan Policies ENV4 and ENV14.
- 11.55 View of the St Mary's Church would remain undisturbed from public footpaths and Catons Lane due to the siting of the development, its design and its integration into the surrounding setting. No objections had been raised by the Conservation Officer.
- 11.56 The application site is located within a ground water protection zone in particular due to its proximity to The Slade. This is not considered to be of material concern subject to the site being developed in accordance with British Standards and Best Management Practices. Due to the lack of potential contaminates on site this would reduce the risk of water pollution in accordance with Local Plan Policy ENV12.
- 11.57 The noise and disturbance of the location of the proposed dwellings in relation to the Saffron Walden Football club is considered minimal due to the limited/infrequent matches that would be held and the also in consideration of existing dwellings in the vicinity and the landscaping buffer which would also be provided. The scheme would accord with Policy GEN4 of the Local Plan.
- 11.58 Saffron Walden Town Council had mentioned in their comments that consideration should be provided to an application they have submitted for a Community Centre on the same application site. It should be noted that at the time of writing this report the application had only just been received and was not a valid application. Therefore little consideration or weight has been afforded to this.

## **12. CONCLUSION**

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

- 12.1 The principle of the application is considered acceptable meeting the three strands of sustainability. This is considered in accordance with Local Plan Policy S7 and NPPF.
- 12.2 The highway impact is considered acceptable based on the proposed location and the level of vehicle movements proposed in relation to that which is currently generated by the site.

- 12.3 Table in Section 3.4 each plot meets or generally meets car parking standards in accordance with Local Plan Policy GEN8, Essex Car Parking Standards (2009) and Local Residential Parking Standards adopted (February 2013).
- 12.4 In considering the above the proposed development is acceptable in terms of highways subject to recommended conditions by the Highways Authority and is in accordance with Policies GEN1, GEN2, GEN8 of the adopted Local Plan (2005).
- 12.5 The heights in the form of 2 to 2 ½ storeys is considered acceptable and would be in keeping with the surrounding built form. The layout is also acceptable, with sufficient amenity space and back to back distances in accordance with the Essex Design Guide and Policy GEN2.
- 12.6 In terms of landscaping this is in accordance with Local Plan Policies S7, GEN2, GEN7 and ENV8.
- 12.7 40% affordable housing is proposed in accordance with Local Plan Policy H9. 5% wheelchair accessible units are proposed, in accordance with SPD guidance and Policy GEN2.
- 12.8 The infrastructure obligations identified above would be secured through a Section 106 Agreement should outline planning permission be granted. In view of the above, it is evident that the necessary infrastructure can be provided to meet the needs of and mitigate the development in accordance with Policy GEN6 of the Local Plan.
- 12.9 No objection has been raised under ecology subject to the conditions recommended by ECC Ecology, in accordance with Local Plan Policy GEN7, GEN2
- 12.10 In terms of air quality grounds whilst Environmental Health have raised concerns regarding the need to minimise as far as practicable and that no mitigation has been proposed. The recommended mitigation measures have been concluded to be unreasonable in light of comments of the previous application and the recently refused Little Walden Road application. On this basis the application is considered to comply with Policy ENV13.
- 12.11 As part of the proposed scheme it is proposed that underground storage tanks controlling water discharge. ECC SUDs have no objection subject to conditions, should planning permission be granted. Long term management and maintenance of the sustainable drainage would also need to be secured through a S106 Agreement to ensure its enforcement. This is in accordance with Local Plan Policy GEN3.
- 12.12 No issues are considered in relation to archaeology or contamination in accordance with Local Plan Policies ENV14 and ENV4.

**RECOMMENDATION - CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION**

- (I) **The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 1 August 2017 the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act**

**1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Services, in which case he shall be authorised to conclude such an obligation to secure the following:**

- (i) Provision of 40% affordable housing**
  - (ii) Ensure adequate ongoing maintenance of SUDS system**
  - (iii) Primary school Education Contribution £106,297**
  - (iv) Pay monitoring costs**
  - (v) Pay Councils reasonable costs**
- (II) In the event of such an 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 an 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**
  - (ii) Ensure adequate ongoing maintenance of SUDS system**
  - (iii) Lack of Education Contribution**

#### 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 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. 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).

3. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

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

REASON: In the interests of protecting the character and amenities of the locality in accordance with Policies GEN2 and ENV1 of the Uttlesford Local Plan (adopted 2005).

5. Before development commences cross-sections of the site and adjoining land, including details of existing levels around the building hereby permitted and any changes in level proposed, together with the proposed floor levels within the buildings, 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: In order to minimise the visual impact of the development in the street scene, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

6. No external floodlighting or other illumination shall be installed until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of the height of the lighting posts, intensity of the lights (specified in Lux levels), spread of light including approximate spillage to the rear of the lighting posts or disturbance through glare and the time when such lights would be illuminated. The development shall be carried out in accordance with the approved details.

REASON: In the interests of local amenity and highway safety, in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

7. Prior to occupation of the proposed development, 3m wide pedestrian/cycle connection to be provided in the vicinity of plots 19 and 20 on the west of the site to public footpath 10 (Catons Lane) to facilitate access to the town centre. Details to be submitted to and approved in writing with the Local Planning Authority in consultation with the Highway Authority, prior to commencement of development. The approved scheme shall be carried out in its entirety prior to first occupation of the proposed development and shall be retained at all times.

REASON: In the interests of accessibility, in accordance with Policies GEN1, and GEN2 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

8. The cycle/powered two wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity, in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005), Essex Parking Standards (2009) and the NPPF .

9. 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.

10. No development shall take place until a written plan, including a timetable for work, to bring Limes Avenue up to adoptable standards is agreed in writing with the highway authority. The approved plan shall be carried out in its entirety according to the timetable, and in any event prior to first occupation of the proposed development.

REASON: to ensure safe and suitable access to the proposed development, and in the interests of local amenity and highway safety, in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

11. 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 should include but not be limited to:

- Limiting discharge rates to the 1:1 greenfield rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
  
- Where different SuDS features are being proposed, the drainage modelling should show how these are cascaded together and show clearly their combined effect in controlling both the water quantity and improving water quality within the development and how they achieve the storage volumes outlined in the approved FRA.
- Demonstrate permission in principle to discharge to the proposed off site sewer from relevant authority.
- Final modelling and calculations for all areas of the drainage scheme.
- Provide the appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site. In accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

12. 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 and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

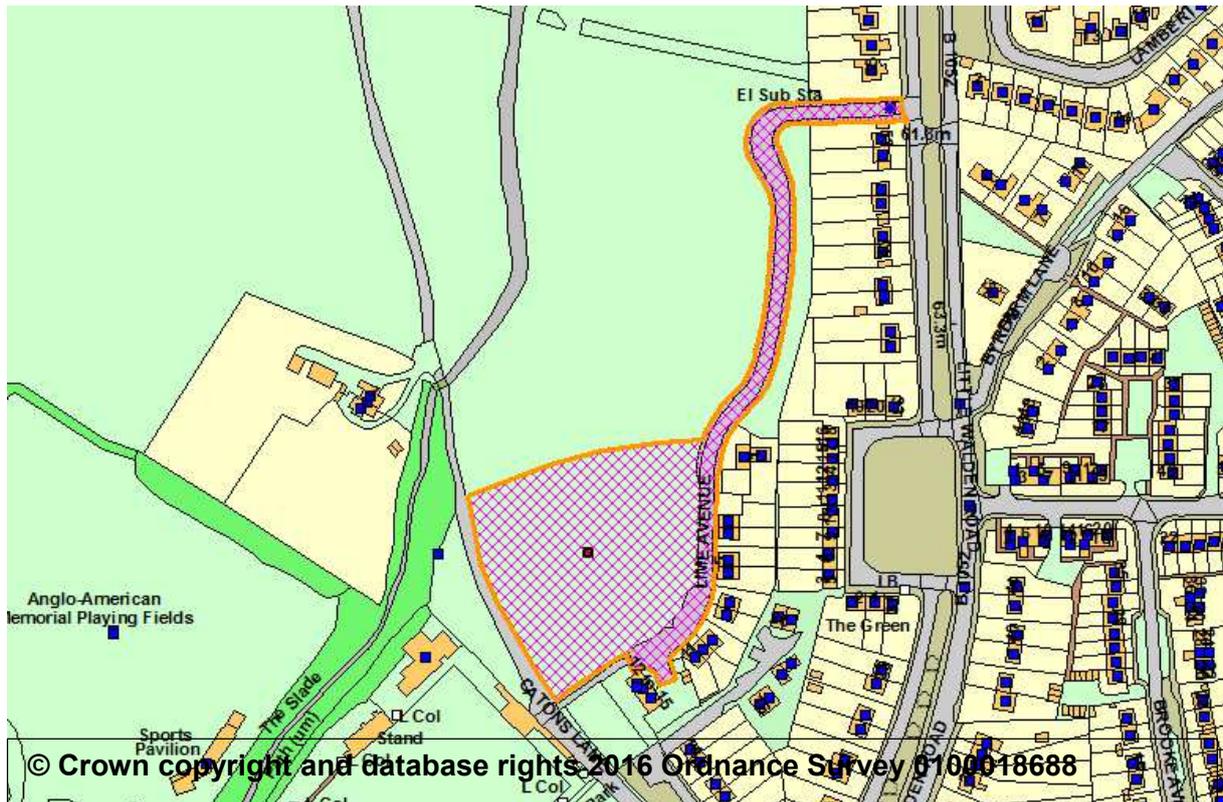
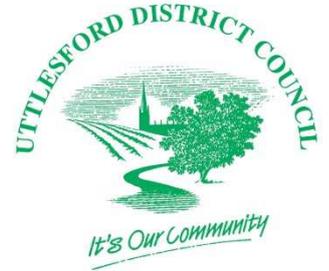
REASON: The National Planning Policy Framework paragraph 103 and paragraph 109 states that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoil 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. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed. In accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

13. All ecological measures and/or works shall be carried out in accordance with the details contained in the Extended Phase 1 Habitat Survey (dated March 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

REASON: In the interest of safeguarding wildlife, in compliance with wildlife legislation and Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

Application Number: UTT/17/0255/FUL

Address: Land to the West of Lime Avenue, Saffron Walden



Organisation: Uttlesford District Council

Department: Planning

Date: 01 June 2017

**UTT/17/0952/OP (WHITE RODING)**

(MINOR)

**PROPOSAL:** Outline application for the demolition of the existing buildings and the erection of 7 dwellings with appearance, landscaping and scale reserved.

**LOCATION:** Weston Yard, Chelmsford Road, White Roding, Dunmow, CM6 1RF

**APPLICANT:** Mr R Swann

**AGENT:** Mr K Coleman

**EXPIRY DATE:** 21<sup>st</sup> June 2017

**CASE OFFICER:** Mrs M Jones

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**1. NOTATION**

- 1.1 Outside Development Limits. Metropolitan Green Belt. Tree Preservation Orders. Possible contaminated site.

**2. DESCRIPTION OF SITE**

- 2.1 The application site is situated along the northern side of Chelmsford Road approximately 400 metres to the east of the village centre and comprises a small yard containing five commercial buildings and a large area of hardstanding. The site is bounded on its eastern and western sides and opposite by residential properties and to the rear by open grassland and is partially screened from the road. The site has been divided off from "Westons" to the immediate West. The site is 0.33 hectares which includes the area for drainage. The brownfield part of the site is 0.24 hectares. The site is currently used for storing and servicing plant and machinery.

**3. PROPOSAL**

- 3.1 The proposal is for the demolition of the existing buildings on the site and for outline consent for the construction of 7 no. new dwellings with appearance, landscaping and scale reserved. (The description on the application form is not consistent with the boxes ticked in part 3 of the form and a further application form has been sought) An indicative plan shows the proposed parameters of the buildings, the layout and the access of the proposal.
- 3.2 A new access would be provided further to the west of the existing access..
- 3.3 The density of the proposal would be below 10 dwellings per hectare. All of the properties would be detached and have gardens in excess of 100m<sup>2</sup>. The indicative plan shows 2 x 5 bedroom, 2 x 4 bedroom and 3 x 3 bedroom dwellings. The plans indicate that garages could be provided to the majority of plots together with at least one further parking space. Revised plans show that two unallocated parking spaces for visitor parking can be accommodated within the site.

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

- 4.1 The application is supported by a Planning Statement, A Deign and Access Statement, Arboricultural Impact Assessment, Bat Survey, Completed Biodiversity Questionnaire, Drainage Statement, Protected Species Survey, and Contamination Report (full details are available for view on the Council's website)

##### Summary of Planning Statement

- 4.2 The Application Site is within the Green Belt. However, the NPPF makes provision for the redevelopment of previously developed sites within the Green Belt. The principal tests requires that a new development should not have a greater impact on the openness and the purpose of including land within the Green Belt compared with the existing development. If it does not the development is acceptable in principle, if it strays outside of this scope, a proposal would qualify as "inappropriate development" and "very special circumstances" are required.
- 4.3 The Applicant's proposals demonstrate a neutral impact to openness and the purpose of including land within the Green Belt.
- 4.4 The proposal represents a reduced visual impact across the site. The proposal works within the existing landscape framework and will provide more containment to the site through enhanced planted boundaries. This approach will enhance the Green Belt landscape aesthetic and by virtue of this its openness.
- 4.5 It is the Applicant's case that the proposal will not result in an adverse visual impact or prominence in the landscape and consequently following the pre-application case officer's logic the careful design of the scheme and the removal of the locally more prominent roadside built form alongside a detailed landscape strategy should actually result in an improvement in the landscape and visual amenities of the location in the long term.
- 4.6 The proposal is considered to be a suitable reuse of the site compared with the historic commercial and industrial uses of the site, which have the potential to make more intensive use of the open hardstanding areas, buildings and generate greater traffic movements than the current modest proposal, and which have a detrimental impact on the living conditions of neighbouring residential occupants. The proposal therefore represents the least intensive option for redevelopment of the site.
- 4.7 The proposal will have a neutral impact on the openness of the Green Belt compared with the existing use and is acceptable in principle. However, the Applicant has gone on to demonstrate "very special" circumstances for completeness.
- 4.8 The proposal is for 7 new dwellings and the proposed design and layout of new homes reflects the existing pattern and form of housing within Chelmsford Road as a whole. The proposal presents a soft landscape buffer to the development that filters views into the Application Site.
- 4.9 The proposal has demonstrated compliance with the Council's design standards, housing standards, amenity standards, highway standards, sustainability standards, drainage, landscape and trees, ecology and contamination. The Applicant has concluded that the proposal is acceptable in all regards and

complies with the relevant policies of the development or has demonstrated appropriate mitigation to address any shortfall and bring the proposal back into line with standards.

- 4.10 Accordingly, there are no policies contained within the development plan, which would preclude the residential development at the site in the form proposed. The Applicant has considered other material considerations and has determined that there is significant support for the proposals within the NPPF to approve development that complies with the development plan without delay.
- 4.11 The NPPF at paragraphs 11-14 sets out the basis for decision making. It notes that applications for planning permission which comply with the Development Plan should be approved without delay unless material considerations indicate otherwise. The proposal should be considered under the presumption in favour of sustainable development.
- 4.12 The proposed development provides significant benefits, as set out in section 6. No harm has been identified. Therefore any harm is certainly not of a degree of significance so as to outweigh the clear benefits in relation to sustainable development, which the proposals would provide.
- 4.13 Further, the proposal satisfies the 3 dimensions of sustainable development in terms of its economic, social and environmental role and therefore the development is acceptable in principle.
- 4.14 The Government has passed its Housing and Planning Bill to allow 'Permission in Principle' for Brownfield sites. This Bill is to ensure that brownfield land is used as much as possible for new development and to require local authorities to have a register of what is available, and ensure that 90 per cent of suitable brownfield sites have planning permission for housing by 2020. This is irrespective of sites Green Belt designation. Therefore this new piece of legislation will mean that the principle of the proposal would be accepted if registered, notwithstanding existing support demonstrated above
- 4.15 The proposals therefore accord with the Development Plan, will contribute to meeting the supply of housing land, and in accordance the NPPF the development should be granted permission without delay.
- 4.16 For the reasons set out above, the application proposals do not conflict with the statutory development plan and the proposals are acceptable taking into account all other material considerations. Having regard to the above, the Council is respectfully requested to allow this application for the development proposed and grant planning permission.

## **5. RELEVANT SITE HISTORY**

- 5.1 UTT/0898/09/FUL - Creation of new vehicular and pedestrian access.- Conditional approval
- 5.2 UTT/2348/10/FUL - Refurbishment of existing B2 building and erection of replacement building for B1 use – Refused
- 5.3 UTT/0650/12/CLE - Certificate of lawfulness for existing use as a contractors yard for storing and servicing plant and machinery- Approved

5.4 UTT/15/3507/FUL - Re-location of a green steel wire fence 2 metres high x 25.3 metres long – Conditional approval

5.5 UTT/13/0811/TPO – Fell 1 no. Ash by 30% - Rejected

5.6 UTT/13/2085/TPO - Lift crown, cut back overhanging – Granted

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework

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

- S7 The Countryside
- S6 Metropolitan Green Belt
- GEN2 Design
- ENV3 Open spaces and Trees
- GEN8 Vehicle Parking Standards
- GEN7 Nature Conservation
- GEN1 Access
- GEN4 Good Neighbourliness
- H10 Housing Mix
- ENV14 Contaminated Land
- H1 Housing Development
- H9 Affordable Housing

### **Supplementary Planning Documents**

Essex County Council Parking Standards.

Accessible homes and Playspace

Essex Design Guide

Essex County Council Parking Standards: Design and Good Practice

## **7. PARISH COUNCIL COMMENTS**

7.1 No reply received.

## **8. CONSULTATIONS**

### **ENVIRONMENTAL HEALTH OFFICER**

8.1 I am in agreement with the phase 1 geo-environmental desk study report, reference number 1835/Rpt 1v1 prepared by Brown 2 Green. Due to the sites current brownfield usage in accordance with the model procedures for management of land contamination, further investigations as recommended in the report are required to identify the risks to the future users of the site and where necessary remedial measures to ensure that the suit is suitable for use.

8.2 Plots one and two are located close to the main road and future users of the property will be subject to road traffic noise. To ensure that these properties are

suitable for habitable use UDC will require the following noise limits for residential properties:

- Bedrooms (night time - 23.00 - 07.00) 30 dB LAeq (individual noise events should not normally exceed 45 dB LAmax,F by more than 15 times)
- Living Rooms (daytime - 07.00 - 23.00) 35 dB LAeq
- Gardens and terraces (daytime) 55 dB LAeq

8.3 Recommended conditions are given in respect of contaminated land should the application be recommended for approval.

#### 8.4 Informatives

Developers are referred to the Uttlesford District Code of Development Practice. To avoid/minimise the impact upon the amenity of adjoining residents; developers are advised to follow the General Principle, and advice contained therein.

### **ESSEX COUNTY COUNCIL ECOLOGY**

Holding Objection - further information required.

8.5 A Bat Survey of Westons Yard Buildings, White Roding (Essex Mammal Surveys March 2017) has been submitted with the application. This advises that no evidence of or potential for bat presence was observed in the buildings to be demolished. No further surveys of the buildings are required at this stage. However, I have also reviewed the biodiversity questionnaire and aerial photographs of the site. The Biodiversity Questionnaire has indicated that: The development proposal is in a setting with some of the following features: mature woodland, hedgerows, trees, scrub, grassland, rivers, lakes, marshes, ponds and ditches

8.6 The development involves the felling of trees, particularly mature trees with hollows, cracks, crevices and loose bark.

8.7 It appears that only bats have been considered for this site and, due to the habitats on and surrounding the site, I recommend an ecologist is engaged to undertake a survey to consider other ecological issues.

8.8 The statement/PEA and any surveys 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. No site clearance should take place until ecological work is complete.

8.9 Further comments following receipt of Protected Species Survey Report:

8.10 With respect to the submission of a Protected Species Survey of Westons Yard, White Roding dated May 2017, the report advises that there is no likelihood of any protected species being affected, with the exception of nesting birds. I recommend that the following two informative are appended to any planning permission.

1) Informative BS42020: D.3.2.2 - Protection of breeding birds (in place of

Condition D.3.2.1)

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

- 8.11 2) Informative - Protected species not using the application site  
Despite ecological surveys being undertaken which suggest that protected species are not using the application site, it is possible that protected species may be encountered once works commence.  
Should any bats, reptiles, badgers or nesting birds, or evidence of bats, reptiles, badgers or nesting birds be found prior to or during the development, all works must stop immediately and an ecological consultant or the Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

#### **ECC HIGHWAYS**

- 8.12 The proposal for the construction of 7 dwellings at Weston's Yard in principle would be acceptable to the Highway Authority.
- 8.13 However, the access as shown on drawing no. X1154-005 Rev H is unnecessarily large, and is similar in scale to an access for an industrial estate. An access with maximum radii of 6 metres would be sufficient for the proposed development. Moreover, given the internal geometry it is unlikely the proposal would be adopted.

#### **AERODROME SAFEGUARDING**

- 8.14 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.
- 8.15 As the application is for outline approval, it is important that the Aerodrome Safeguarding Authority for Stansted Airport is consulted on all Reserved Matters relating to siting, design and landscaping including but not limited to drainage and landscaping.

#### **LANDSCAPE OFFICER**

- 8.16 (Verbal response) No objections to the felling of the Ash Tree subject to a Tree Preservation order.

### **9. REPRESENTATIONS**

- 9.1 23 neighbouring properties have been notified and a site notice displayed. Expiry date 24<sup>th</sup> May 2017.

One representation in support of the application has been received:  
I have examined the plans and as a direct neighbour for 16 years, I know the site well. I feel that this latest application for residential use is completely appropriate compared to its current use.

## 10. APPRAISAL

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

- A The principle of development of this site for residential purposes is appropriate in this location, within the Metropolitan Green Belt (NPPF and ULP polices S7, S6 and H1)
- B The layout is appropriate and whether the proposal would impact neighbours amenity (ULP policies GEN2, GEN4 and H10)
- C The proposals would result in adverse harm to protected species and biodiversity (ULP policies GEN7 and ENV3)
- D The access is appropriate and appropriate parking provision can be accommodated within the site (ULP policies GEN1, GEN8 and Supplementary Planning Document – Parking Standards)
- E The proposed Contaminated land is suitable for housing use (ULP policies ENV14 and GEN4)

### **A The principle of development of this site for residential purposes is appropriate in this location, within the Metropolitan Green Belt (NPPF and ULP polices S7, S6 and H1)**

- 10.1 The proposal relates to the demolition of the existing buildings and the erection of seven new detached dwellings with access and layout only to be considered at this stage. Scale, landscaping and appearance will be considered at the reserved matters stage. The proposal has been the subject of pre- application advice consultation and the submitted application reflects the advice given.
- 10.2 In planning policy terms, the site lies outside of any established development limits as defined by the Uttlesford Local Plan. Consequently for the purposes of planning, the site is considered to be within the countryside and subject to all national and local policies.
- 10.3 The site is also located with the Metropolitan Green Belt as defined within Uttlesford Local Plan, which states that development will only be permitted if it accords with national policy on Green Belts. Any development should preserve the openness of the greenbelt and its scale, design and siting should be such that the character of the countryside is not harmed.
- 10.4 Policy S7 is a policy of general restraint which seeks to restrict development to that which needs to take place there, or is appropriate to a rural area in order to protect the character of the countryside. This includes infilling in accordance to paragraph 6.13. 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 considered that any residential scheme for construction of new dwellings on this site would not represent infilling but extend into the open countryside. The site is adjacent to residential dwellings which are in the form of sporadic, linear development along Chelmsford Road; The site contributes to the open nature of the area.

- 10.5 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.
- 10.6 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.

- 10.11 A recent Supreme Court Judgement has ruled that policies restricting the location of development are not policies in relation to the provision of housing. This is a shift in thinking as previously established by the lower courts which determined that a wider definition should be given to policies in relation to the provision of housing, including those that restrict the location of new housing. Therefore, the weight to be given to Policy S7 must be considered in respect of its compatibility with the NPPF as a whole. Policy S7 takes a prohibitive approach towards development in the countryside whereas the NPPF takes a protective approach and development which is sustainable can be permitted. It is therefore necessary to assess whether the application proposal is sustainable and presumption in favour is engaged.
- 10.12 The NPPF emphasises that sustainability has three dimensions (Paragraph 7); an economic role (contributing to building a strong economy), a social role (providing housing and accessible local services) and an environmental role (contributing to protecting and enhancing our natural, built and historic environment. The NPPF takes a strong stance with regards to development in Green Belts whereby protection of their openness and permanent is fundamental
- 10.13 The NPPF states that the three roles of sustainability should not be taken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 10.14 The economic role relates to development contributing to a strong, responsive and competitive economy. The development of this site would result in the temporary creation of jobs during the construction phase. Long-term the development would result in a small increase in local population which could support existing local services such as the businesses at Bretts Farm.
- 10.15 However, the short-term employment benefits and level of economic benefits arising from the proposals would be limited.
- 10.16 The social role relates to supporting strong, vibrant and healthy communities by creating development with accessible local services. The location of the site is within walking distance to the nearest bus stop providing regular services to Great Dunmow and beyond. The site is within walking distance to Bretts Farm which currently houses a farm shop, butchers, restaurant and garden centre.
- 10.17 The proposal would deliver 7 dwellings and as such the proposal would make a contribution towards the delivery of the housing needed in the district  
The environmental role seeks to protect and enhance the natural, built and historic environment. As mentioned earlier the site is located within the Metropolitan Green Belt. The National Planning Policy Framework (2012) attaches great importance to Green Belts whereby a fundamental aim is to prevent urban sprawl by keeping land permanently open.
- 10.18 The essential characteristics of Green Belts are their openness and their permanence (Paragraph 79). Paragraph 81 states that landscapes should be retained and enhanced, and paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved. The NPPF confirms that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, is clearly outweighed by other considerations.

The proposed erection of dwellings in this location is by definition harmful to the Green Belt.

10.19 Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are;

- Buildings for agriculture and forestry;
- Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purpose of including land within it;
- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- The replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces;
- Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan;
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

10.20 The proposal would therefore fall within the last exception as outlined above. The site currently has five commercial buildings on the site and most of the site is covered with hardstanding. There is a timber building along the front boundary

10.21 The NPPF takes a strong stance with regards to development in Green Belts whereby protection of their openness and permanent is fundamental. This application would include more built form on the site than the existing buildings. The existing buildings cumulative footprints amount to 363.6m<sup>2</sup> and the indicative proposed dwellings footprints amount to 592m<sup>2</sup>. (An increase of 38% in built form) The proposed development is of a low density, notwithstanding this, however, the scale as indicated is considered to be too much and the resultant dwellings may have a greater impact on the openness of the Green belt. The scale, of the dwellings are however a reserved matter to be considered at a later date. An added benefit of the scheme is that the hardstanding areas and storage would be replaced by residential gardens and therefore the proposal would result in an improved impact on the character and appearance of the countryside with the removal of existing unsightly commercial buildings including the prominent roadside built form.

10.22 A further material consideration is that The Housing and Planning Act 2016 allows for Permission in Principle for development of suitable Brownfield sites for housing. (although the technical details consent guidance is still to be released) The Town and Country Planning (Brownfield Land register) Regulations 2017 and the Town and Country Planning (Permission in Principle) Order 2017 legislation requires local authorities to prepare and maintain registers of brownfield land that is suitable for residential development. Part one of the register (the list of brownfield sites suitable for housing) should be compiled by 31<sup>st</sup> December 2017. Part 2 of the register will include only those sites for which permission in principle has been granted and the development cannot take place until the developer has also obtained technical details consent. Just because the site is a brownfield site and listed on the part one of the register does not automatically grant permission in principle. Permission in Principle is only granted once specific requirements

have been met. The proposal would still need to take into account the National Planning Policy Framework.

It is considered that this site may well be one of those sites that would be considered under the new legislation. The site does not however meet the 0.25 ha threshold (the brownfield area of the site is 0.24ha). The legislation, however allows LPA to enter land below this threshold. The site is capable of supporting more than 5 dwellings. It is available, achievable and suitable for housing, the other criteria for being included on the brownfield register.

- 10.23 The site is located with Flood Zone 1 meaning there is very low risk of flooding. The submitted Drainage Strategy Design Statement demonstrates that there is betterment to the existing surface water flows from this site through the proposal to substantially reduce the impermeable areas within the site.
- 10.24 Therefore, on balance, the proposals would constitute sustainable development as set out in the NPPF and are considered to be acceptable in principle in this location.

**B The layout is appropriate and whether the proposal would impact neighbours amenity (ULP policies GEN2, GEN4 and H10)**

- 10.25 The proposal has been the subject of Pre- application advice and the submitted indicative plan is in line with the advice given. The proposed number of dwellings has been reduced from fourteen dwellings to seven. It is considered that the proposal as submitted on the indicative plan would not result in intensification in the built form within the immediate area that would in turn alter the character of the surrounding locality. It is considered that the proposal would be in keeping with the existing pattern of development and not be harmful to the setting and character of the countryside. All of the built form would be within the brownfield site. The proposal would result in a reduction in the amount of hardstanding and the removal of unsightly buildings. Although the volume of proposed buildings are likely to be greater than the buildings being replaced, taking into account the above, the proposal would not cause harm to the intrinsic value and beauty of the countryside, this being one of the core principles set out at paragraph 17 of the National Planning Policy Framework. The scale of the proposed dwellings should be such that they do not have a greater impact on the openness of the Green Belt than existing built form.
- 10.26 The revised indicative plan shows that the site can accommodate all the proposed dwellings with gardens of 100 square metres and that the adopted parking standards can be met.
- 10.27 Policy GEN2 relates to design and seeks to ensure that residential amenity is not affected due to overlooking, overbearing or overshadowing. As appearance, scale and landscaping are reserved matters a full assessment of the potential impacts cannot be made. Notwithstanding this, the layout shows that the proposed development could give rise to adverse impacts (by way of overlooking of the private amenity area) on the residential amenity of the future occupants of the dwelling at the front of the site adjacent to the western boundary, as there are windows within the eastern elevation of the neighbouring property facing the site. As the adjacent site is within the same ownership as the application site, the potential overlooking can be overcome by an appropriate condition requiring that the window is obscure glazed prior to occupation of the affected new dwelling.
- 10.28 Additionally, the indicative scale of the properties of the site are 2.5 storeys which

may not be acceptable in relation to the impact on the character of the area and impact on the openness of the Green Belt. As previously mentioned, the existing buildings cumulative footprints amount to 363.6m<sup>2</sup> and the indicative proposed dwellings footprints amount to 592m<sup>2</sup>. (An increase of 38% in built form) The proposed development is of a low density, notwithstanding this, however, the scale as indicated is considered to be too much and the resultant dwellings may have a greater impact on the openness of the Green belt. The scale of the dwellings are however a reserved matter to be considered at a later date. It is also considered, that the proposed property that is perpendicular to the road frontage should not have a blank wall on the elevation facing the road and will need to be screened from the road by soft landscaping. These considerations can be dealt with at reserved matters stage when appearance, landscaping and scale of the dwellings will be considered.

10.29 Although it would be better design, if the access road was terminated by a dwelling rather than parking (by way of improving the visual amenity when viewed from the street scene), it is not considered that this aspect of the layout is sufficient to refuse the scheme.

10.30 Policy H10 states that all development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total. Since the adoption of the above policy, The Strategic Housing Market Housing report September 2015 has been adopted. This identified that the market housing needs for Uttlesford have changed.

This states:

Market Housing Needs for Uttlesford

Flats	1 bed	140	1.44%
	2 bed	80	0.8%
House	2 bed	690	7.1%
	3 bed	4290	44.2%
	4 bed	3110	32.0%
	5+ bed	1410	14.5%

10.31 The application form indicates that all of the properties would be four bedrooms or above, and although the scale and appearance of the dwellings are reserved matters, the agent has revised the details and the indicative mix would now be 2 x five beds, 2 x four bed and 3 x three bed dwellings. This mix is considered to be acceptable.

The layout and access of the proposal are considered to be acceptable.

**C The proposals would result in adverse harm to protected species and biodiversity (ULP policies GEN7 and ENV3)**

10.32 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. As the proposal would involve the demolition of buildings, there is the potential for the development to have an impact on protected species.

- 10.33 The applicants have completed a biodiversity questionnaire and submitted an arboricultural impact assessment report, a protected species survey and a bat report. No evidence of bats were found on the site and the lack of potential roosting places means that no further surveys are required. Although no evidence of bats was found, it is probable that bats from nearby roosts will forage in the gardens of adjacent properties. This behaviour would be expected to continue after any building work has been completed and therefore it is considered that the planning proposal for this site will not have a detrimental effect on the local bat population.
- 10.34 The extent of gravel areas and concrete hardstanding at the site preclude colonisation by protected species and no evidence of their presence was found. These reports have been considered by the County's Ecologist who raises no objections (subject to informatives in respect of breeding birds and any protected species encountered once works commence) should the application be approved) to the proposals.
- 10.35 Our records also show that three trees are subject to a tree preservation order on this site, two Ash trees and a Sycamore. The Sycamore is located to the north east of the site and the ash trees to the sites frontage. One of the ash trees has already been lost. The proposal includes removal of the other ash tree to the sites frontage to make way for a new access road. The Landscape Officer has no objections to its removal as it is considered that the tree is not a great specimen worthy of retention. He advises that the frontage should have soft landscaping possibly in the form of native hedging and that landscaping conditions should be applied to any approval.. The landscaping is however a reserved matter and therefore details can be agreed when the reserved matters application is submitted. The submitted layout plan would allow for landscaping along the road frontage. The proposal would comply with policy ENV3.
- 10.36 These reports have been considered by the County's Ecologist who raises no objections (subject to informatives in respect of breeding birds and any protected species encountered once works commence) should the application be approved) to the proposals. As such the proposal would comply with ULP Policy GEN7.

**D The access is appropriate and appropriate parking provision can be accommodated within the site(ULP policies GEN1, GEN8 and Supplementary Planning Document – Parking Standards)**

- 10.37 The adopted parking standards require that 4 and five bedroomed dwellings must have a minimum of three parking spaces and that a three bedroom property must have two parking spaces, each measuring 2.9m x 5.5m. Additionally the parking standards require 2 visitor parking spaces. ( 0.25 spaces per dwelling) The visitor parking spaces should be unallocated. Revised plans have been received showing the location of the two visitor parking spaces and that all of the properties would have sufficient parking spaces to meet the adopted standards.
- 10.38 The proposals would create a new access. ECC as the Highway Authority has been consulted on the proposals and raises no objections. The visibility splays recommended at pre- application stage, of 2.4 metres x 90 metres in both directions over land in the control of the applicant or highway land can be met and a type 5 turning head provided. As such, the proposals comply with Policies GEN1 and GEN8.

**E The proposed Contaminated land is suitable for housing use (ULP policies**

**ENV14 and GEN4)**

- 10.39 In view of the previous and current use of the site, the land may be affected by contamination. In accordance with the model procedures for management of land contamination, further investigations are required to identify the risks to the future users of the site and where necessary remedial measures to ensure that the suit is suitable for use. This can be achieved by appropriate conditions.

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

- A The proposal is considered to be acceptable in principle.
- B The layout on balance is acceptable and subject to an appropriate condition the proposal would not have any material detrimental impact on neighbours amenity
- C The proposal would not result in any significant harm to protected species or habitats.
- D The access arrangements have been considered by Essex County Council and no objections are raised to the proposals. The proposal has demonstrated that sufficient parking can be provided to meet the adopted parking standards.
- E Subject to further investigations and compliance with recommended mediation conditions the proposal is acceptable.

**RECOMMENDATION – APPROVAL WITH CONDITIONS**

**Conditions**

1. Approval of the details of the 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 must be carried out as approved.

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) 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. Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 Prior to the occupation of the plot to the front western corner of the site, the window, at first floor level, to the east elevation of the neighbouring property

known as Westons 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 ULP policy GEN2.

- 5 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

- 6 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, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.

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).

- 7 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).

- 8 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).

- 9 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 in writing within 2 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 7.

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 8.

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).

- 10 Prior to 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 lies next to a main road where appropriate noise mitigation and sound proofing to noise sensitive development is required to prevent loss of amenity for future occupants

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no development within classes A to E of Schedule 2, Part 1 and Class A of Part 2 shall be carried out within the curtilage of the dwelling house without the prior written consent of the local planning authority.

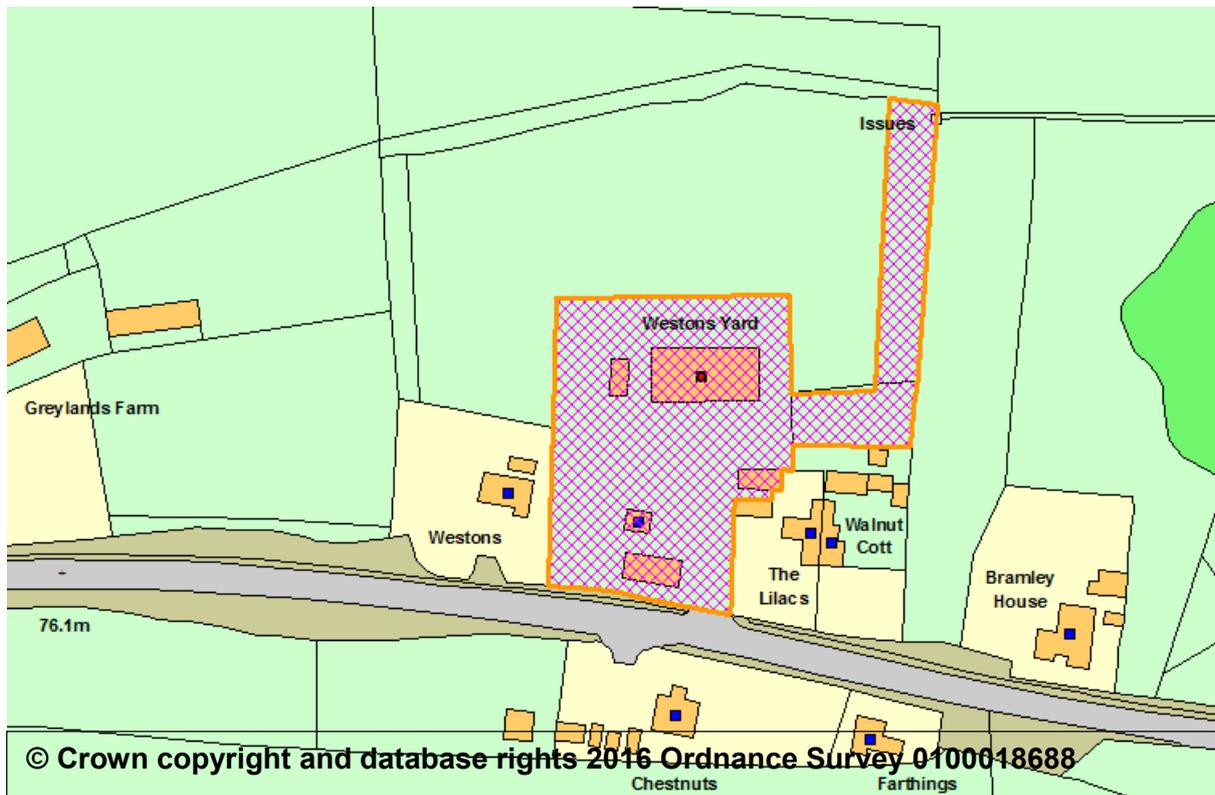
REASON: To ensure that the openness of the Metropolitan Green Belt is maintained, in accordance with Policy S6 of the Uttlesford Local Plan (adopted 2005).

- 12 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)

Application Number: UTT/17/0952/OP

Address: Westons Yard (between Westons and The Lilacs), Chelms  
White Roding



Organisation: Uttlesford District Council

Department: Planning

Date: 01 June 2017



## **UTT/17/0540/HHF (DUDDENHOE END)**

(Referred to Committee by Cllr Chambers. Reason: Overdevelopment and intensification of back land site)

**PROPOSAL:** Proposed conversion and extension of outbuilding to domestic annexe.

**LOCATION:** Dove Cotes, Woodmans Lane, Duddenhoe End

**APPLICANT:** Miss Gregory

**EXPIRY DATE:** 15 June 2017

**CASE OFFICER:** Chris Tyler

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### **1. NOTATION**

1.1 Outside development limits.

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

2.1 The application site relates to a detached two storey dwelling located to the south of Woodmans Lane in the village of Duddenhoe End. The dwelling includes a single storey detached outbuilding within the rear garden. The outbuilding includes black weatherboard walls under tiled roof.

### **3. PROPOSAL**

3.1 This application is in relation to the proposed conversion of the outbuilding to domestic residential annexe. The conversion will part infill the front canopy section to create additional footprint and include replacing doors with windows, insertion of roof lights and internal works to create living accommodation.

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

4.1 No planning statement submitted.  
A biodiversity questionnaire and protected species survey has been submitted.

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

5.1 There are no planning applications linked to this proposal.

### **6. POLICIES**

#### **6.1 Uttlesford District Local Plan 2005**

- S7 Countryside
- GEN2 Design
- GEN3 Flood Protection
- GEN7 Nature Conservation
- GEN8 Vehicle Parking Standards

#### **6.2 National Policies**

- National Planning Policy Framework (NPPF)

## **7. PARISH COMMENTS**

7.1 With reference to the above planning application the Parish of Elmdon & Wenden Lofts have no objection to this application. However, the council felt that the application should contain scale plans.

## **8. CONSULTATIONS**

### **Essex County Council Ecology**

8.1 No objections.

8.2 My comments refer to the Bat Survey (Essex Mammal Surveys April 2017). During the Bat Survey, no evidence of or potential for bat presence was observed in the building to be demolished. There is no vegetation affected by the project that has crevices, loose bark or woodpecker holes that might be colonised by bats. No further surveys are required at this stage.

8.3 The pond to the south of the site holds low potential for protected amphibians due to the high levels of water birds present.

8.4 There are no other biodiversity features present that may be affected by the proposals. No further surveys are required.

## **9. REPRESENTATIONS**

9.1 13 neighbouring properties consulted by letter, expiry date 03/04/2017, comments received include:

The measurement of the proposal are not shown on the plans

The annexe may become a separate dwelling

The annexe would be close to site boundary, future chimneys may cause an impact

The boiler flue should not face the neighbour's garden

The toilet system should be to the mains drainage

If the building is to be demolished neighbours would prefer a larger space between the site boundaries

The existing hedge should remain

The building should not be substantially larger

Neighbours not consulted

## **9.2 PLANNING OFFICER COMMENTS ON REPRESENTATIONS**

The plans submitted are to scale and therefore measurements are not required to be displayed.

The application is for a domestic residential annexe, incidental to the enjoyment of the main dwelling. Full planning permission would be required for the change of use to a separate residential dwelling.

No details for the installation of a chimney or flue are included with the application, as such this does not form part of the application or assessment.

The detail sewage system does not form part of this application and therefore cannot be considered.

The proposal does not include the demolition of the building and therefore does not form part of this application or assessment.

The proposal does not include the removal of the hedgerow.

The correct consultation process has been followed and appropriate neighbours consulted.

All other materials planning considerations will be considered in the following report.

## **10. APPRAISAL**

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

- A Whether the development would affect the character of the countryside within which it is set (ULP Policies S7)
- B Whether the scale, design and external materials of the proposed extension respect those of the original building and whether the character and appearance of the host dwelling would be protected (ULP Policy GEN2 and the NPPF)
- C Whether the proposal would result in harm to the amenity of the neighbouring properties by way of overlooking, overshadowing or overbearing effects and noise (ULP Policies GEN2, GEN4)
- D Nature Conservation (ULP Policy GEN7)
- E Vehicle Parking Standards (ULP Policy GEN8 and ECC Parking Standards);

### **A Whether the development would affect the character of the countryside within which it is set (ULP Policies S7)**

- 10.1 ULP Policy S7 of the adopted local plan has a general presumption against new development within the countryside, although makes provision for appropriately scaled and designed domestic extensions to existing dwellings located within the countryside where significant rural harm would not occur.
- 10.2 Due to the location of the site within this established small residential grouping along Woodmans Lane, it is considered the scale of the indicated conversion will not have a harmful impact on the rural amenities of the area and no rural policy objections are raised to the proposal under ULP Policy S7.
- 10.3 Furthermore, Local Plan Policy S7 states that development will only be permitted if its appearance protects and enhance the particular character of the part of the countryside within which it is set.

### **B Whether the scale, design and external materials of the proposed extension respect those of the original building and whether the character and appearance of the host dwelling would be protected (ULP Policy GEN2 and the NPPF)**

- 10.4 The guidance set out in Paragraph 58 of the NPPF stipulates that the proposed

development should respond to the local character, reflect the identity of its surroundings, and optimise the potential of the site to accommodate development that is visually attractive as a result of good architecture and appropriate landscaping. In addition Local Plan Policy GEN2 seeks to ensure that development will be of an appropriate design and mitigate any potential harm to neighbouring properties

10.5 The conversion of the building will include the infill of the canopy area to create further footprint, however this is considered marginal and will not have any detrimental impact in regard to scale and design.

10.6 The building will include traditional external materials that are considered appropriate in this rural location. As such the proposed conversion will respect the appearance and character of the existing building, host dwelling, character of the existing street scene and visual amenities of the locality, the proposal accords with ULP Policy GEN2 and the NPPF.

**C Whether the proposal would result in harm to the amenity of the neighbouring properties by way of overlooking, overshadowing or overbearing effects and noise (ULP Policies GEN2, GEN4)**

10.7 ULP Policy GEN2 also considers the impact to neighbouring properties in regard to any material adverse effect of loss of daylight, loss of privacy, overbearing or overshadowing.

10.8 The proposal does not include the raising of the roof or significant extension. No windows are to be installed to the rear of the building along the site boundary, as such it is not considered the development will result in any loss of privacy, overlooking or overshadowing. The extension will be of a sufficient distance from neighbouring properties to not have an overbearing impact.

10.9 In regards to the increase in noise from the conversion of the building, the building at present could be used as a residential annexe incidental to the main dwelling and would not require change of use, this application deals with the physical conversion of the building.

10.10 The building is close proximity to the neighbouring boundary, however it is considered the scale of the single residential annexe will not create a material level of noise that shall result in a significant harmful impact to neighbouring properties. Therefore the proposal accords with ULP Policy GEN2 and the NPPF.

**D Nature Conservation (ULP Policy GEN7)**

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

10.12 Following the submission of a protected species survey, the Ecology Consultant has been consulted and has made no objections, it is therefore unlikely the proposed development will have harmful impact to adverse impact on protected species caused and therefore complies with Policy GEN7.

**E Vehicle Parking Standards (ULP Policy GEN8 and ECC Parking Standards)**

- 10.13 The proposal will result in the additional habitable space and bedroom. In order to comply with locally adopted parking standards, three off road parking spaces should be provided. These need to accord with the size dimensions as outlined in adopted Vehicle Parking Standards (2013) of 5.5m in depth and 2.9m in width. The proposed block plan does not indicate the parking spaces, however following the case officers site visit it is clear the site has sufficient off street parking and therefore does not conflict with ULP Policy GEN8.

## 11. CONCLUSION

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

The proposal would not result in harm to the character and appearance of the settlement or cause harm to the amenities enjoyed by neighbouring occupiers. The design and appearance of the annexe is considered to be appropriate in the context of the existing dwelling and surrounding area in which it is set and is in accordance with the National Planning Policy Framework and the Adopted Uttlesford District Local Plan. It is therefore recommended that the application be approved subject to conditions.

### **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.

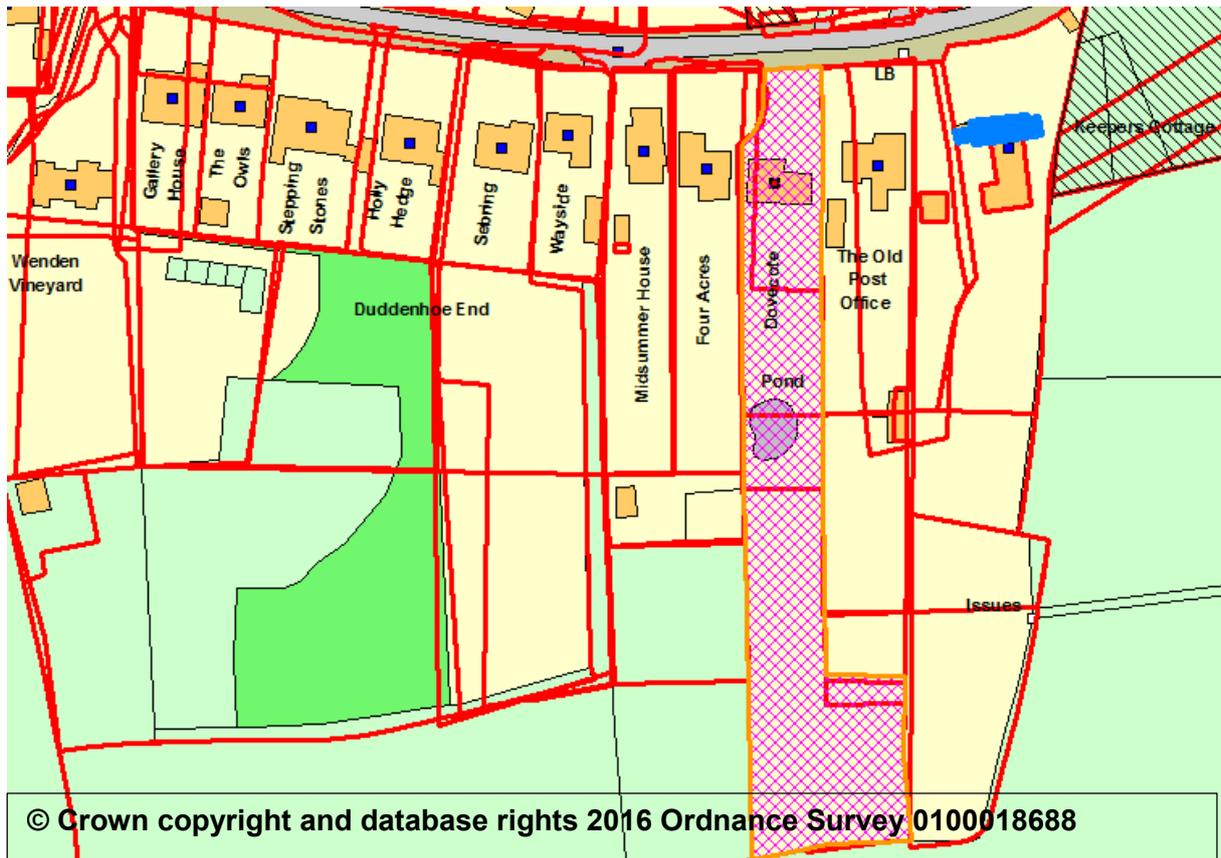
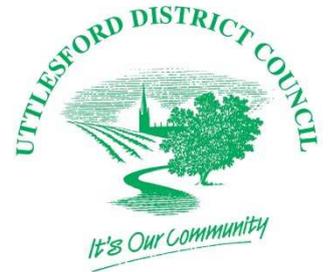
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be constructed entirely of the materials details of which are shown on plan no 6. and as shown on the schedule of materials on the planning application form unless otherwise agreed in writing by the Local Planning Authority.

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

Application Number: UTT/17/0540/HHF

Address: Dove Cotes, Woodmans Lane, Duddenhoe End, Elmdon



Organisation: Uttlesford District Council  
Department: Planning  
Date: 02 June 2017