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Uttlesford District Council

Chief Executive: Dawn French

Planning Committee

- Date:** Wednesday, 14th March, 2018
Time: 2.00 pm
Venue: Council Chamber - Council Offices, London Road, Saffron Walden, CB11 4ER
- Chairman:** Councillor A Mills
Members: Councillors R Chambers, J Davey, P Fairhurst, R Freeman, E Hicks, M Lemon, J Lodge, J Loughlin (Vice-Chair) and L Wells
Substitutes: Councillors T Farthing, A Gerard, G LeCount, H Ryles and 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 Previous Meeting** 5 - 12
To consider the minutes of the meeting held on 14 February 2018.
- 3 UTT/17/3197/FUL - Land South of School Lane, Henham** 13 - 38
To consider application UTT/17/3197/FUL.
- 4 UTT/17/0649/OP - Land off Stevens Lane, Felsted** 39 - 56
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- 5 UTT/17/2238/FUL - Oaklands, Ongar Road, Great Dunmow** 57 - 84

To consider application UTT/17/2238/FUL.

- 6 UTT/17/2352/FUL - Welcome Break Service Station, Dunmow Road, Birchanger 85 - 100**

To consider application UTT/17/2352/FUL.

- 7 UTT/17/2961/FUL - Clavering Farm, Mill Lane, Clavering 101 - 108**

To consider application UTT/17/2961/FUL.

- 8 UTT/17/3547/FUL - 97 Goddard Way, Saffron Walden 109 - 114**

To consider application UTT/17/3547/FUL.

- 9 UTT/17/3663/LB - Police Station, East Street, Saffron Walden 115 - 122**

To consider application UTT/17/3663/LB.

- 10 UTT/17/2725/FUL - Belmont, Hollow Road, Felsted 123 - 132**

To consider application UTT/17/2725/FUL.

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PLANNING COMMITTEE held in the COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 14 FEBRUARY 2018 at 2.00 pm

Present: Councillor A Mills (Chairman)
Councillors R Chambers, J Davey, P Fairhurst, R Freeman, A Gerard (In place of J Lodge), E Hicks, J Loughlin, H Ryles (In place of M Lemon) and L Wells

Officers in attendance: E Allannah (Senior Planning Officer), N Brown (Development Manager), K Denmark (Development Management Team Leader), B Ferguson (Democratic Services Officer), P McEvoy (Planning Officer), L Mills (Planning Officer), M Shoosmith (Development Management Team Leader), E Smith (Legal Officer) and C Theobald (Planning Officer).

Also present: I Abram, Cllr K Artus, W Brazier, M Brewer, T Dodkins, J Jewell, J Kellerman, D Malins, R Perrin and F Wilkinson.

PC87 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies were received from Councillors Lemon and Lodge.

Councillor Davey declared a non-pecuniary interest because he was familiar with the firm carrying out the work on application UTT/17/3662/FUL.

Councillors Fairhurst and Freeman declared non-pecuniary interests as members of Saffron Walden Town Council's Planning Committee.

PC88 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 17 January 2018 were approved and signed by the Chairman as a correct record.

PC89 UTT/17/3038/DFO - LAND BEHIND THE OLD CEMENT WORKS, THAXTED ROAD, SAFFRON WALDEN

The applicant sought approval of the reserved matters of layout, scale, appearance and landscaping, following a grant of outline planning permission (including the matter of access) for a residential development of up to 49 dwellings (UTT/16/1444/OP). This application proposed 35 dwellings.

In response to a Member question, the Planning Officer showed the spread of affordable units across the proposed development. Councillor Ryles said it was disappointing that there was not an even dispersal of affordable units throughout the estate. He added it would be helpful if affordable/market properties were colour-coded on site plan illustrations in future.

Councillor Wells proposed to approve the application. Councillor Chambers seconded this motion.

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

PC90 UTT/17/1896/FUL - JF KNIGHT ROADWORKS, COPTHALL LANE, THAXTED

The applicant had requested planning permission for the comprehensive redevelopment of a brownfield site with the construction of seven new dwellings, car parking bays, visitor parking provision and associated landscaping.

Members discussed the advantages and disadvantages of the site, with particular regard to its accessibility and sustainability. On balance, the majority of Members felt the regeneration of a brownfield site supported by local residents was a good development.

Councillor Fairhurst proposed approval subject to additional conditions to be agreed at the next meeting.

Councillor Davey seconded the motion.

The Development Manager said the committee would be presented with a set of conditions to determine at the next meeting.

RESOLVED to approve the application subject to the approval of conditions at the next meeting.

W Brazier and T Dodkins spoke in support of this application.

PC91 UTT/17/3662/FUL - POLICE STATION, EAST STREET, SAFFRON WALDEN

The application sought planning permission to demolish the police houses, erect four semi-detached houses and change the use of the police station to three houses. The converted building would be extended and altered, and the existing boundary wall would be extended.

Councillor Fairhurst proposed rejecting the application on the basis the development was in a conservation area.

Councillor Freeman seconded the motion.

The motion was defeated.

The Chairman proposed the approval of the application. Councillor Hicks seconded the motion.

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

I Abram spoke in support of this application.

PC92 UTT/17/3663/LB - POLICE STATION, EAST STREET, SAFFRON WALDEN

The application was for listed building consent to make various internal and external alterations to the police station to facilitate its conversion to three dwellings.

Members expressed disappointment that there was no official comment from the Conservation Officer, particularly as the application sought to alter a listed building.

Councillor Gerard proposed deferring the application to allow formal comment from the Conservation Officer.

Councillor Fairhurst seconded the motion.

RESOLVED to defer the application to allow formal comment from the Conservation Officer.

PC93 UTT/17/3078/FUL - 22 CAMBRIDGE ROAD, STANSTED

The application proposed involved the change of use of the site from a retail (Class A1) use, to a mixed use restaurant/takeaway (Class A3/A5); and the installation of extraction/ventilation equipment and a new door opening.

Members were informed that the applicant had requested deferral until the completion of a transport study.

Councillor Chambers proposed to defer the application.

Councillor Gerard seconded the motion.

RESOLVED to defer the application to allow the completion of the transport study.

PC94 UTT/17/2903/FUL - TANDANS, CANFIELD DRIVE, GREAT CANFIELD ROAD, TAKELEY

The application sought the sub-division of an existing travellers' pitch at Tandans towards the front of the site, to be used to accommodate an additional traveller pitch.

The Development Manager responded to the public speakers who had objected to the application. He said he understood their frustration as the site had a planning history going back to 2008 and he would have preferred if the application presented before Members had been submitted in the first instance.

He said it was an acceptable application with no sound planning reasons for refusal. Instead the applicant had left himself open to the accusation of planning 'by stealth' as the site had been developed incrementally.

Members discussed the density of the development, the availability of traveller sites across Uttlesford and the site history.

Councillor Loughlin proposed approval of the application.

Councillor Hicks seconded the motion.

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

Cllr K Artus, J Kellerman and J Jewell spoke against this application.

R Perrin spoke in support of this application.

PC95 UTT/17/2807/FUL - BRAZILLE, 14 ST JOHNS CRESCENT, STANSTED

The meeting was adjourned at 4.07pm and reconvened at 4.14pm.

The applicant sought the proposed demolition of the existing bungalow and garage on site and the erection of two detached four bedroom dwellings. The dwellings would be two storey and would include associated access and parking to the front of the site.

In response to a Member question, the Development Manager said a Construction Management Plan could be conditioned as there were concerns that the development was on a private road and residents would be accountable for any damage incurred by the developer.

Councillor Fairhurst proposed approval of the application.

Councillor Freeman seconded the motion.

RESOLVED to approve the application subject to the conditions in the report and the following additional condition:

Prior to the commencement of the development hereby approved a Construction Method Statement shall be submitted and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

- (a) the parking of vehicles of site operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials used in constructing the development
- (d) the control of noise from construction including the hours of working
- (e) wheel washing facilities

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

REASON: The use of such pre commencement condition is required to protect the amenity of surrounding residential premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

PC96 **UTT/17/2429/OP - LAND ADJACENT TO 4 HILL TOP LANE, SAFFRON WALDEN**

The outline application with all matters reserved sought the construction of one two-bed bungalow for private sale with associated external works and parking.

Councillor Fairhurst said he was concerned there was a potential conflict of interest as the applicant was Uttlesford District Council.

The Legal Officer said Regulations 2 and 3 of the Town and Country General Regulations 1992 made under statute allowed a Local Authority to determine applications made in respect of property owned by it. The text of the Regulations was read out in full.

The Development Manager indicated that because the Council was authorised under statute to determine its own planning applications, those applications were always brought before the Committee, as were those of individual members and staff, in the interests of transparency.

Councillor Fairhurst said he opposed back-land development and was disappointed that this could set a precedent, particularly as UDC was the applicant.

Councillor Davey proposed approval of the application.

Councillor Hicks seconded the motion.

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

D Malins spoke in support of the application.

PC97 **UTT/17/2822/FUL - SECTOR 3 WOODLANDS PARK, GREAT DUNMOW**

The applicant sought the removal of two planning conditions imposed on the approved application UTT/0406/08/FUL which related to the code for sustainable homes (C.8.29) and renewable or low carbon technologies (C.8.32). The applicant also sought the variation of a planning condition imposed on the same said permission relating to occupier accessibility (C.28.1).

The Development Manager said Conditions C.8.29 and C.8.32 were outdated due to the advancements in energy efficiency and renewable housing regulations since the original conditions were imposed.

The committee discussed the removal of Condition 28.1 which would result in a development above two storeys without a lift.

Members expressed concern that the developer was attempting to remove a condition imposed on the original application for commercial reasons, which would result in a number of flats being inaccessible to potential tenants who had mobility problems.

The Planning Officer said the housing provider would seek to allocate the flats on the third storey to those who did not require a lift to access the properties. If a tenant's circumstances changed and they could no longer access the third floor, they would be prioritised and allocated an accessible property elsewhere.

Members agreed it was unacceptable for the application to be varied on the grounds that the premises would not be readily used by people with physical disabilities in accordance with national and local planning policies.

Councillor Fairhurst proposed to refuse the application.

Councillor Ryles seconded the motion.

RESOLVED to refuse the application for the following reason:

Reason: The development would not ensure equal access to housing on upper floors contrary to Uttlesford Local Plan Policies GEN2 and SPD "Accessible Homes and Playspace" (adopted 2005).

PC98 **UTT/17/3111/FUL - BUILDING 60, CHESTERFORD PARK, LITTLE CHESTERFORD**

The application sought the remodelling of the existing building on site, which involved various extensions and alterations but would result in a building of approximately the same height and footprint. The surrounding car park would also be reorganised and enlarged from 39 spaces to 111. Two bin stores would be provided within the car park, and land between the main building and the pond would be regraded. A new underground reservoir would be formed adjacent to the research park's entrance off Walden Road.

The application had been brought before Members as UDC had invested in Chesterford Park.

In response to Member comments relating to the potential conflict of interests, the Development Manager said this application had to be judged on planning merits alone.

Councillor Davey proposed approval of the application, subject to the submission of a travel plan to minimise traffic through Little Chesterford.

Councillor Hicks seconded the motion.

RESOLVED to approve the application subject to the conditions in the report and the following additional condition:

Prior to occupation of the building, a travel plan must be submitted to and approved in writing by the local planning authority. The travel plan must contain measureable targets for the management of travel demand, and must be consistent with the submitted Park Wide Travel Plan (Peter Brett Associates, July 2016). The development must thereafter be implemented in accordance with the approved travel plan.

REASON: To minimise the number of car journeys associated with the development and maximise the use of sustainable transport modes, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

F Wilkinson spoke against the application. M Brewer spoke in support of the application.

The meeting ended at 5.30pm.

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UTT/17/3197/FUL – (HENHAM)

(MAJOR)

PROPOSAL: Residential development for 36 dwellings and associated roads and parking, together with public open space, play area and associated Sustainable Drainage along with infrastructure improvements to Henham and Ugley Primary School including car parking, drop-off/parking facility and playing field provision

LOCATION: Land south of School Lane, Henham

APPLICANT: Persimmon Homes

AGENT: Mr D Moseley

EXPIRY DATE: 16 February 2018

CASE OFFICER: Karen Denmark

1. NOTATION

1.1 Outside Development Limits.

2. DESCRIPTION OF SITE

2.1 The application site is located to the south of School Lane. The application site includes all of Henham and Ugley Primary School within the red line, but the proposals do not affect all of this area.

2.2 The site is predominantly a greenfield site located to the south and east of Vernons Close. There are open fields to the south of the site. Henham and Ugley Primary School forms the eastern part of the site. To the north of the site is Pimblett Row and Sages.

2.3 An area of Henham and Ugley Primary School will be affected by the proposals. This area is currently used for parking of vehicles adjacent to School Lane. The other area is currently used as part of the school playing field. This area is partially screened from the school playground by a row of coniferous trees.

2.4 Adjacent to the south eastern corner of the site is an area of open space which is accessed from Vernons Close.

2.5 There is a public right of way running down the eastern boundary of Henham and Ugley Primary school and the site and this continues to Mill Road. It joins another footpath which runs east-west to the south of the site, which joins Mill Road adjacent to Mill Pond Nursery. The public footpath running along the eastern boundary joins a local network of public rights of way.

2.6 The field which makes up the majority of the site is grassland being claimed by scrubland. It is apparent from tracks within the field that this area is currently used by people walking their dogs, but there is no definitive footpath within the site.

2.7 There is an existing mature hedgerow along the western boundary of the site on

the land currently used by Henham and Ugley Primary School and a further mature hedgerow along the southern boundary of the school site. The boundary with Vernons Close is predominantly bramble and low close boarded fencing. There is a field access into the site from Vernons Close.

- 2.8 School Lane currently terminates with the entrance gates to Henham and Ugley Primary School. The parking area is located within the school grounds. This is semi hard surfaced and has a close boarded fence to the boundary with properties. There are some trees within this area. There is then another set of gates separating the parking area from the school playing field area.

3. PROPOSAL

- 3.1 The proposal relates to the erection of 36 dwellings and the creation of additional infrastructure for the primary school, most notably the provision of a drop-off/parking area outside the school, the creation of a car parking area within the school and a new playing field. It should be noted that the area of land from the gated entrance to the playing field to the southern boundary is currently rented by the school and not within the ownership or control of the County Council or school. As things currently stand, the lease on this land expires in 2024.
- 3.2 The proposed dwellings would be a mix of 2 and 3 bedroom units, including bungalows. It is proposed that there would be 40% affordable housing.
- 3.3 The entrance to the school car park would be relocated to the south of the existing buildings and a new car park provided on the western side of the school grounds. A new playing field would be created to the south of the existing school on an area currently classed as agricultural land.
- 3.4 An area of public open space would be included in the proposals adjacent to the north eastern boundary of the proposed residential development. The current parking area within the school grounds would be formalised to be used as a car parking area/drop off area for the primary school.
- 3.5 A balancing pond and pond are proposed to the south of the residential development to provide a sustainable drainage scheme for the proposed development.
- 3.6 The application is accompanied by a series of phasing plans. This indicate the development would be carried out in the following order:
- Phase 1: Formation of temporary access, hoarding and compound. Enlargement of existing staff car park.
 - Phase 2: Formation of extension to playing fields.
 - Phase 3: Form permanent staff car park and access. Form drop-off/parking area.
 - Phase 4: Construction of estate road for housing development.
 - Phase 5A: Form SuDS
 - Phase 5B: Commence housing development and associated works.

4. APPLICANT'S CASE

- 4.1 The application has been submitted with the following accompanying documents:

- Agricultural Land Classification and Soil Resources
- Design and Access Statement
- Drainage Strategy
- Environmental Noise Assessment
- Flood Risk Assessment and Drainage Strategy
- Ground Investigation Report
- Heritage Desk-based Assessment
- Landscape and Visual Impact Assessment
- Planning Statement
- Preliminary Utility Report
- Report on Replacement Sports Turf Provision
- Reptile Presence/likely absence Survey
- Site Specific Flood Risk Assessment
- Sustainability Statement
- Transport Statement
- Tree Survey, Arboricultural Impact Assessment
- Updated Ecological Scoping Survey and Biodiversity Statement

5. RELEVANT SITE HISTORY

- 5.1 UTT/15/2982/FUL – Residential development for 36 dwellings and associated roads and parking, together with public open space along with infrastructure improvements to Henham and Ugley Primary School including parking and playing fields provision. Refused and dismissed at appeal.
- 5.2 UTT/16/0814/FUL – Installation of a SUDS pond and swale on land to the south of School Lane, Henham. Refused and dismissed on appeal.
- 5.3 UTT/15/2982/FUL – This application was recommended for approval and overturned by committee. The reasons for refusal were:
1. The proposal would give rise to a form of development which has a design which results in compromise to the road safety of other road users, in particular cyclists, pedestrians and those whose mobility is impaired. This would be contrary to Adopted Uttlesford Local Plan Policy GEN1(c) (adopted 2005).
 2. The site is located outside the development limits and within the open countryside which will be protected for its own sake. In this location planning permission will only be granted for development that needs to take place there, or is appropriate to a rural area. The proposed development fails to protect or enhance the particular character of the part of the countryside within which it is set, in particular due to its adverse impact on the setting and character of Henham and Ugley Primary School. There are no special reasons why the development in the form proposed needs to be there. As such the proposal is contrary to Adopted Uttlesford Local Plan Policy S7 (adopted 2005).
 3. The development would generate the need for the provision of 40% affordable housing. The application provides no mechanism for addressing the need for affordable housing provision. It therefore fails to comply with Policy H9 and with the adopted Developer Contributions Guidance Document adopted February 2016 (update from June 2013 and February 2014).
 4. There are insufficient Early Years and Childcare and primary school places in Henham to accommodate this level of development and the application provides no mechanism for addressing or mitigating the shortfall in the provision in the locality. Furthermore, there is no mechanism to mitigate the increase in requirement for secondary school transport arising from the

proposals. It therefore fails to comply with Policy GEN6 of the Uttlesford Local Plan and the Essex Developers' Guide to Infrastructure Contributions (Adopted as County Supplementary Guidance)

- 5.4 The Inspector concluded that the proposal was acceptable in highways and landscape terms, but that the appellant had failed to demonstrate that the appropriate infrastructure for the school could be delivered due to an inadequate Unilateral Undertaking.
- 5.5 UTT/16/0814/FUL – This application was refused under delegated powers. The reasons for refusal were:
1. The proposal relates to unnecessary development in the open countryside. It relates to engineering works which do not need to take place there and as such is inappropriate to the rural area. There are no special reasons as to why the development in the form proposed needs to be there and it would fail to protect or enhance the character of the countryside due to its engineered design completely at odds with the character of the grassland in which it would be situated. Therefore, the proposal is contrary to Policy S7 and the core principle of the NPPF relating to the intrinsic character of the countryside.
 2. The site has not been the subject of surveys and therefore insufficient information has been submitted with the application to adequately demonstrate that the proposals would not result in adverse impacts on biodiversity and/or protected species. The Council therefore cannot fulfil their statutory duties under Section 40(1) of the Natural Environment and Rural Communities Act 2006 and Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010. Therefore, the proposal fails to comply with Policy GEN7 and paragraph 118 of the NPPF.
 3. The proposals would result in the loss of the staff car parking area for Henham and Ugley Primary School. This would result in increased highway parking adjacent to the school and thereby result in increased conflict with other road users, in particular parents and children. Therefore, the proposals fail to comply with Policy GEN1 of the Uttlesford Local Plan adopted 2005).
- 5.6 The Inspector was concerned that this scheme could be implemented without the implementation of the residential development. There was no mechanism within the appeal documents to ensure the two developments were carried out together. The implementation of the SuDS scheme in isolation would have the potential to have significant adverse impacts on the school which could not be addressed satisfactorily.

6. POLICIES

National Policies

- 6.1 - National Planning Policy Framework

Uttlesford Local Plan (2005)

- 6.2 - S7 – Countryside
- GEN1 – Access
- GEN2 – Design
- GEN3 – Flood Protection
- GEN6 – Infrastructure Provision to Support Development
- GEN7 – Nature Conservation

- GEN8 – Vehicle Parking Standards
- ENV3 – Open Spaces and Trees
- ENV5 – Protection of Agricultural Land
- ENV8 – Other Landscape Elements of Importance for Nature Conservation
- H9 – Affordable Housing
- H10 – Housing Mix
- LC4 – Provision of Outdoor Sport and Recreational Facilities Beyond Development Limits

7. PARISH COUNCIL COMMENTS

- 7.1 Object. Although the applicants are claiming that the proposals overcome any matters arising from the recent dismissed appeal decisions of 30.6.17 this objection demonstrates that this is not so.

Lack of agreement with Essex County Council – UDC should not determine the application without the inclusion of a satisfactory s106 agreement with ECC. There is no draft s106 agreement which provides any evidence that ECC is agreeable to the application which substantially includes its land. HPC has received an indication that ECC are not in agreement to the inclusion of its land.

In addition to the ECC land required to provide the replacement staff car park and other land to form the access to the site, there are other known discrepancies.

Playing field – This is required before any works take place on the existing playing field, in line with the Appeal Inspector.

Utilities – A strip of ECC land is required to accommodate utilities, there is no detail nor any agreement on that.

Pedestrian Access and inaccuracies in the submitted plans – The plans are deliberately vague or misleading on land required to provide the minimum 2m wide pedestrian footway required by 'Manual for the Streets' DfT 2007. This is an essential requirement as it would be on the edge of a carriageway serving the development. A sub-standard footway would be dangerous for school children, their younger siblings and their parents. The plans show how the existing footpath narrows inside the school gates, such that a section of the caretaker's house garden is required. The footway provision is not mentioned in the planning statement or design and access statement or transport statement. ECC has failed to spot the inaccuracies and discrepancies on the submitted plans. If it cannot be provided, this must be a major objection on alignment and safety grounds – pupils would spill onto the carriageway at this pinch point.

Objections by the School – Strong operational objections have been raised by the School Governors and Headmistress, and numerous parents and local community generally. HPC supports these objections.

The proposals are contrary to the Adopted Local Plan Policies S7, H3, GEN1, GEN2, ENV5, H9.

8. CONSULTATIONS

ECC Education

- 8.1 Current data shows insufficient places to meet the Early Years and Childcare

demand from this proposal. A development contribution is required. Essex County Council welcomes the additional school playing field and also the new staff car park. There are, however, concerns regarding the detached drop-off car park as it is undesirable to increase traffic around the School's pedestrian entry points. ECC will not accept ownership of or responsibility for drop-off areas. No contribution for additional secondary school places will be required. School transport contribution will be required.

- 8.2 Whilst Henham Parish Council, the local residents et al are correct in recognising that there is no wish for any form of liability or responsibility to be placed upon the school or Essex County Council for the parent drop-off car park proposed (nor is it desired, as our consultation letter asserts), it is not so that this view also applies to the new staff car park and playing field.

For clarity – Community Infrastructure are willing to enter into a S106 agreement for the school staff car park and playing field proposed within the development.

ECC Highways

- 8.3 This proposal is a resubmission following the dismissal of the planning appeal of application UTT/15/2982. In terms of highways the inspector's appeal decision concludes 'The proposals would cause no material harm in terms of highways safety'.

The Transport Statement submitted with the application includes: a Stage 1 Road Safety Audit accompanied by a designer's response to the recommendations; accident data; swept path analysis of the layout for a minibus, refuse vehicle, fire tender and bus; parking and pedestrian surveys; trip generation and accessibility of the site.

This authority is satisfied that the geometry of the continuation of School Lane is sufficient for 2 vehicles to pass each other safely. Pedestrians are also catered for with the continuation and widening of the footways either side of School Lane, traffic calming and an informal pedestrian crossing outside the school. The independent Road Safety Audit provided with the planning application raised a number of areas of concern in terms of layout, these were addressed before the submission of the application. Other concerns including signing, road marking and lighting will be dealt with at detailed design as is standard practice.

As part of the review of the application the highway authority required certain changes to the layout for safety or practical reasons. These have been carried out and are reflected in the revised submitted plans.

The parking provision for the proposal fully accords with the current parking standards.

The planning authority has also requested comments from the highway authority on the Parish Council's objection on highway grounds. There was one comment that related specifically to highways and that concerned the footway adjacent to the school plan where it was not clearly shown on the plan to be 2m wide. This has been clarified with the developer, an illustrative plan has been provided which was forwarded to the planning officer. As it is not part of the submission I have recommended a condition to ensure its delivery in advance of development. As the footway in question is within the red line and on land owned by ECC it should be deliverable.

From a highway and transportation perspective the impact of the proposal as shown in principle on Drawing No: PH-120-002 Rev I is acceptable to the Highway Authority subject to conditions.

ECC Ecology Advice

- 8.4 No objection subject to conditions to secure mitigation and enhancements for protected and priority species. The details of reptile mitigation will require amending which can be secured by condition and/or s106 Legal Obligation.

ECC Development and Flood Risk Officer

- 8.5 Holding objection. Inadequate surface water drainage strategy.
- 8.6 8.2.18: 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.

Anglian Water

- 8.7 The sewerage system at present has available capacity for these flows.

Aerodrome Safeguarding (London Stansted Airport)

- 8.8 6.12.17: Object. The SuDs proposal element of this proposal appears to hold water in the low flow channel on a virtually permanent basis. If this is the case then there is the potential for this to attract and support hazardous birds.
- 8.9 5.1.18: We are reassured that design measures will be taken in line with reducing the risk to attract birds outlined above, the Safeguarding Authority for Stansted Airport has no safeguarding objections to the proposal.

NATS Safeguarding

- 8.10 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.

Thames Water

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

Essex Police

- 8.12 We notice that the Design and Access Statement quotes “The evolution of the scheme has considered the principles of ‘Secure by Design’ requirements where applicable” and shows a photograph of the cover of a past 2014 Secured by Design New Homes Guide (since superseded by the 2016 Homes Guide). We feel that by showing this illustration it leads us to believe that the applicant has an intention to apply for a Secured by Design award in respect of this development and look forward to consulting on this. In most cases we prefer to consult prior to a planning application but are confident that we can still assist the developer in

discharging its duty under UDC Local Plan Policy GEN2 – Design (d) which states “it helps reduce the potential for crime”.

Housing Enabling Officer

- 8.13 The affordable housing mix and layout are OK but plots 11 and 12 are a pair of semi-detached properties and a mixed tenure which could cause management issues for the housing association. In addition, the 2 bed affordable homes need to be 2 bed, 4 person to meet housing benefit rules.

Sport England

- 8.14 The loss of 2,387m² of existing playing field (as a result of a new staff car park) is proposed to be mitigated by the creation of a larger area of playing field immediately to the south of the existing school playing fields – the site is 10m wider to the south. Works proposed include levelling, seeding, cultivation and drainage to create the new school playing field land. The larger area is to allow for proper pitch margins and landscaping. This will provide a greater area of school playing field than is currently available (net gain – 3,940m²). The new playing field will be transferred to ECC for use by the school. Given the above, Sport England does not wish to raise an objection subject to conditions.
- 8.14 25.1.18: I understand the phasing plan set out in the planning statement does propose to provide the new playing field as the second phase of development, the first phase being to create a temporary access, across part of the playing field, to facilitate access to undertake these works. Essentially the way the condition is worded prevents any work prior to new playing field provision which would render the scheme undeliverable – this was not our intention.

On the other hand Sport England is keen to ensure the school has sufficient usable playing field at all times through the construction phases and that the new playing field is fit for purposes. We have seen too many schemes where playing field provision has been left until later phases and either never delivered or the quality of the work is so poor the pitch cannot be used, which we'd want to avoid.

Given that provision of the playing field is planned prior to any housing development phases and that the temporary access works are planned to minimise impact on the playing field and timed to coincide with the school holidays where practicable I think the developer has actually set out a reasonable phasing plan. However, to ensure development does not progress to the housing phase until not only the playing field has been laid out but that it is confirmed as being fit for purpose we would suggest the following condition:

No development comprising Phase 3, 4 or 5 as set out in the Planning Statement shall take place unless the new playing field has been provided in accordance with drawing no PH-120-002 Sept 2016 Rev I (illustrating the removal of the existing hedge along the southern periphery of the existing playing field) and in accordance with the construction works recommended in the Report on Replacement Sports Turf Provision and Sport England's design guidance note 'Natural Turf for Sport', 2011. On completion the new playing field shall be inspected by an agronomist and verified as fit for purpose and shall be made available for use before the first occupation of the development hereby permitted.”

Environmental Health Officer

- 8.15 A report dated January 2017 prepared by Sound Acoustics has been submitted, based on a noise survey carried out in 2015. The sources of noise are not considered to have changed significantly in the interim. The report evaluates noise sources against published guidelines, and concludes that acceptable internal noise levels can be achieved in the dwellings with the provision of standard double glazed windows and trickle ventilation which will allow windows to be closed for noise attenuation purposes if occupiers choose to do so.

The outdoor noise level at the nearest house to the school playground is predicted to be 51.4 LAeq16hrs daytime. This is single energy averaged figure, within which there will be periods of quiet and relatively short term, fluctuating high level noise such as that from playground use and overflying aircraft. As a continuous averaged noise level, it is slightly above the level when moderate annoyance is likely to occur.

Whilst no mitigation is proposed for outdoor noise, nor can it be provided for overflying aircraft, it is recommended that a barrier, for example in the form of a close boarded fence, is provided along the playground boundary to afford future residents more acceptable levels of noise in outdoor areas during break times. This can be secured by condition.

The site is previously undeveloped and there are no sources of significant contamination close by. A phase 1 site assessment report prepared by Richard Jackson has been submitted and concludes that remediation of the site is not required, and the findings are accepted.

Landscape Officer

- 8.16 The landscaping details are acceptable.

9. REPRESENTATIONS

- 9.1 The application was publicised by sending 21 letters to adjoining occupiers, displaying of a site notice and advertising it within the local newspaper. 282 letters of representation have been received, including 11 letters of support.

- 9.2 271 letters of objection raising the following issues:

- Increased flooding
- Highway issues
- Inaccuracies in plans
- Inappropriate access
- No significant changes to plans
- Loss of school facilities
- Replacements not wanted by school
- No legal agreement
- 2m wide footpath can't be provided as shown
- Safety of children
- Loss of Forest School
- School has Gold and Platinum Games Mark Award
- Should be retained as common land for wildlife
- Impact on Sages retirement accommodation would be unacceptable

- Plot 21 will affect natural light to my house
- Replacement playing fields separated by beech hedge
- Persimmon have a lack of finesse when completing a site. Left a lot unfinished in Haileswood. Commitment to high standards and completion appears to be sadly lacking

9.3 11 letters of support raising the following issues:

- Sensible development
- Beneficial to school
- Environmentally sensitive
- Good use of low grade farmland to provide housing
- Benefit to village
- Need better and continued access as currently dangerous sometimes
- Should be allowed as part of Uttlesford's commitment to nation's housing needs

9.4 In addition, two letters have been received from Henham and Ugley Primary and Nursery School, one from the Head Teacher and one from the Governors, raising the following issues:

- Existing facilities continue to meet our needs
- Proposed new access will allow cars past entrance to school
- Increased safety risk to pedestrians, especially children
- Drop-off car park is undesirable
- Turning area for HGVs and school bus still unresolved
- 2m wide footpath cannot be provided
- Noise and disturbance to children during construction period
- School makes full use of playing field – first primary school in area to be awarded Gold Games Mark Award. Recently awarded Platinum Games Mark Award
- Sports field allows school to maximize the effectiveness of the Sports Premium available from Government
- Timetable for provision of new playing field would leave the school with deficient space
- No legal agreement for playing fields or staff car park
- Loss of Forest School
- Car park would be out of sight of school office – security issues

10. APPRAISAL

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

- A Principle of development (ULP Policies S7, LC4, ENV5; NPPF)
- B Housing mix and affordable housing (ULP Policies H9, H10; NPPF)
- C Design and residential amenity (ULP Policy GEN2; NPPF)
- D Vehicular access and parking (ULP Policies GEN1, GEN8; NPPF)
- E Flood risk and drainage (ULP Policy GEN3; NPPF)
- F Impact on ecology and hedgerows (ULP Policies GEN7, ENV3, ENV8; NPPF)

A Principle of development (ULP Policies S7, LC4, ENV5; NPPF)

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 set out the requirement that

applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material planning consideration which sets out a presumption in favour of sustainable development.

- 10.2 The application site is located outside the development limits and in an area where rural restraint policy, as set out in Policy S7 applies. This policy seeks to protect the rural area from inappropriate development and permission will only be given for development which is appropriate to the rural area or needs to take place there. Permission will only be given for development which protects or enhances the character of the countryside in which it is set or there are special reasons why the development needs to be there. The proposal relates to a form of development which is inappropriate in a rural area and which does not need to take place there. The proposal is therefore contrary to Policy S7. A review of Policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas.
- 10.3 The NPPF sets out a presumption in favour of sustainable development. This presumption is increased where there is no 5 year land supply for housing. In this regard, the most recent housing trajectory identifies that the Council has a 3.7 or 4.2 year land supply depending on the scenario used to calculate the supply. The Council considers that it is a 5% buffer authority and that there has not been a persistent under-supply of housing delivery.
- 10.4 Given the tilted balance towards sustainable development in areas where there is no 5 year land supply it is necessary to consider whether this proposal would comply with the criteria of sustainable development, as set out in paragraph 7 of the NPPF.
- 10.5 Economic: The proposal would deliver an economic role with the potential to create some local employment during the construction period. In addition, the increase in population would be able to support the facilities in the village of Henham.
- 10.6 Social: The proposal would deliver 36 additional dwellings in the village of Henham, contributing towards the supply of local housing. In addition, the proposal includes the provision of 40% affordable housing. This would have some weight in favour of the positive contribution the proposal could make in these regards.
- 10.7 Henham has a primary school with forms part of the application site. In addition, there is a village shop and a pub and there is a regular bus service between Stansted Airport and Bishop's Stortford. Henham is in fairly close proximity to Elsenham which has a train station providing mainline services to London Liverpool Street and Cambridge as well as Stansted Airport.
- 10.8 Whilst the facilities within the village and the public transport provision are unlikely to meet the demands of residents to fulfil their daily requirements, they do offer the opportunity for alternative means of accessing services and facilities. In terms of the rural nature of the District, the facilities and public transport options are relatively good and can offer alternative means.
- 10.9 The proposals also incorporate additional facilities for the local primary school. It is acknowledged that the application results in the loss of existing school facilities,

including part of the playing fields. However, it should be noted that the western section of the school land is currently leased by the school and the agreement could be terminated at any time, although as things currently stand it is due to expire in 2024. The application would result in the creation of a new area of playing field which would be transferred to the local education authority/primary school as a requirement secured by way of a s106 Legal Obligation. This would ensure the land associated with the school can be safeguarded. Therefore, it is considered that the proposals would deliver a social role.

- 10.10 Environmental: The application sits between existing residential development and Henham and Ugley Primary School. There is open farmland to the south of the site. School Lane provides vehicular access to the site, although this currently terminates at the entrance to the school. Vehicular access will be discussed in more detail in section D below. In terms of its location the site can be considered as a substantial area surrounded on three sides by existing development and therefore any development of the site would be contained and seen against the backdrop of existing development. As such it is not considered that the proposals would give rise to substantial harm in terms of environmental impact.
- 10.11 There would be some impacts on ecology, which will be discussed in section F below. However, these impacts can be mitigated and therefore it is considered that the proposals can deliver in respect of an environmental role. Overall the proposals comply with the requirements of sustainable development as set out in the NPPF. The weight to be given towards sustainable development would outweigh the policy objection as set out in Policy S7 given its partial incompatibility with the NPPF.
- 10.12 The proposal also includes the provision of a new school playing field. This is to replace the area of land which would be lost as a result of the development. As discussed above, the area of land on the western side of the school is currently rented and therefore is not guaranteed to remain available for the school in the future. The benefit of this proposal is that an additional area of land can be provided to include a new sports pitch. This would be transferred to Essex County Council, secured by way of a s106 Legal Obligation, and will ensure the long-term future of the sports facilities for the school. Despite the concerns raised in the representation letters, Essex County Council has confirmed that they are willing to enter into a s106 Legal Obligation to secure the delivery of the replacement playing fields, and the school car park.
- 10.13 The proposals have been assessed by Sport England who raises no objections subject to there being no work carried out on the existing playing field until the replacement has been provided. Officers have concerns with regards to the timing as set out in the suggested condition which requires the replacement to be made available for use before first occupation. Officers are of the view that for the scheme to be acceptable the replacement playing field must be provided and transferred to Essex County Council prior to the commencement of development on the residential scheme. Subject to this proviso being secured by way of s106 Legal Obligation, this element of the proposals relates an appropriate form of development in the countryside and would be a material planning consideration in favour of the proposed development. The proposals therefore comply with Policy LC4.
- 10.14 The proposal would result in the loss of 1.2ha of scrubland which has been tested to confirm the grading the ground would have under the agricultural land classification system. It has been confirmed that the land would comprise of

Grade 3b land, which is the lowest designation within the Uttlesford District. Whilst the loss of agricultural land is regrettable, there are insufficient brownfield sites within the district to provide for the delivery of the housing needs. Therefore, it is considered that the loss of the low-grade agricultural land would be appropriate and in accordance with Policy ENV5.

10.15 The Inspector considered the impacts of the proposals on the character of the landscape. They considered that an appropriate landscaping scheme could be secured by way of condition. The pattern of the proposed development reflects existing patterns of development. They did not consider that the proposal would result in material harm to the area abutting the built edge of the village. Impacts would be localised.

10.16 Paragraph 73 of the Inspector's decision states that, "*New residential development of both market housing and affordable housing would assist both the social and economic functions of the settlement, by providing both employment opportunities during the construction period as well as spending in the local economy. I attach significant weight to these factors and see no support at either national or local level to the position advanced by the Parish Council that these factors should only be given weight if the local facilities where the settlement is located are on the verge of closure. The proposals would also provide for a larger replacement sports pitch provision. This would extend the size of the school's existing playing field provision by some margin. I attach moderate weight to this factor in favour of the appeal proposals.*" The Inspector then concluded that the proposals complied with paragraph 14 of the NPPF and there were no adverse impacts that would significantly and demonstrably outweigh the benefits.

B Housing mix and affordable housing (ULP Policies H9, H10; NPPF)

10.17 The proposal relates to the erection of 36 dwellings with a mix of two and three bedroom units. This would include 40% affordable dwelling units. Two bungalows are also included in the development. The affordable housing mix would be 9 two bedroom units and 5 three bedroom units. The proposed mix is considered acceptable and the affordable housing can be secured by way of a S106 Legal Obligation.

C Design and residential amenity (ULP Policy GEN2)

10.18 The proposed development has been set out with the proposed residential development contained in the area to the south and east of Vernons Close. The layout respects the relationship with the adjacent existing residential development. The only issue arising is the relationship between plot 27 and 19 Vernons Close. This proposed dwelling is only 10m from the boundary at the closest point and 20m from the rear elevation of 19 Vernons Close at the closest point. However, this isn't a direct back to back relationship and this is not considered to be so significant as to warrant a refusal of the application.

10.19 Concern has been raised in the representations with regards to the relationship between plot 21 and a property located in Vernons Close. It is acknowledged that this property would be located approximately 2m from the boundary. However, it would be located approximately 17m from the rear elevation of the property in Vernons Close. Therefore, it is considered that the proposals would not result in loss of residential amenity to the occupiers of that property.

- 10.20 The proposed dwellings have the required amenity space as set out in the Essex Design Guide. The table below sets out the garden sizes of the individual plots, and the parking provision for each dwelling.

Plot	Beds	Garden size	Parking provision	Plot	Beds	Garden size	Parking provision
1	3 (AH)	104	2	19	3	103	2
2	3 (AH)	104	2	20	3	117	2
3	2 (AH)	62	2	21	3	106	2
4	2 (AH)	76	2	22	3	110	2
5	3 (AH)	111	2	23	3	112	2
6	3 (AH)	127	2	24	3	123	2
7	3	117	2	25	3	121	2
8	3	9102	2	26	3	114	2
9	3	103	2	27	3	101	2
10	3 (AH)	120	2	28	3	100	2
11	2	73	2	29	3	104	2
12	2 (AH)	86	2	30	2	63	2
13	2 (AH)	88	2	31	2	50	2
14	2 (AH)	50	2	32	2 (AH)	51	2
15	2 (AH)	51	2	33	2 (AH)	68	2
16	2 (AH)	51	2	34	3	100	2
17	3	102	2	35	2	58	2
18	3	101	2	36	2	77	2

- 10.21 The scale and design of the proposed dwellings is considered appropriate for this edge of settlement location. The dwellings would all be two storey, with the exception of the two bungalows. It is proposed to use a mix palette of materials including red brick, buff brick, weatherboarding and render. The use of render is being proposed for the most visible dwellings within the development at the junctions of the estate. Weatherboarding is proposed for the porches to one property type. Materials can be controlled by condition if planning permission is granted.

D Vehicular access and parking (ULP Policies GEN1, GEN8; NPPF)

- 10.22 School Lane currently terminates at the entrance to the primary school. Sages and Pimblett Row are served by School Lane. The school does not have any official pickup/drop off points and parking in the area around school start and finish times is often very bad with vehicles parked along Mill Road as well as around the school.
- 10.23 The proposals would result in the school being located on a through road to a new development. Many of the representations raise concern about the safety of children at the primary school. The issue of highway safety, in particular the safety of children outside the school, was considered as part of the appeal in respect of the previous application. The Inspector concluded that, "*The proposals would cause no material harm in terms of highways safety.*"
- 10.24 Significant concern has been raised with regards to the 2m wide footway that is required to be provided outside the school. The footpath currently narrows where the hedge line runs adjacent to the Caretakers House. Representations state that the footpath cannot be widened because of this aspect. However, ECC Highways

has stated that due to the land being within the application site and under the control of ECC it should be deliverable.

- 10.25 The proposals would result in the creation of a 10 space car park to provide a pickup/drop off point for parents. This would help to alleviate some of the parking pressures within the vicinity of the school. School Lane can accommodate the additional traffic arising as a result of the proposals and residents of the new development are unlikely to be attempting to access the school by car given the close proximity of the school. Therefore, subject to the appropriate highway design criteria being met it is not considered that there are sufficient grounds on which to refuse the proposals in relation to highway safety.
- 10.26 The issue of parking was discussed at the appeal in respect of the previous school. The Inspector considered that it would provide dedicated parking away from the public highway which is currently not available for parents or carers. However, they considered that they could not conclude that the car park would act as a 'significant draw'. They also stated that they were "unable to agree that the car park would make the existing situation considerably worse or would cause material harm in terms of highway safety."
- 10.27 It is noted that the drop-off car park is a facility that is not desired by Essex County Council Education Department or the school. ECC has confirmed that they are not prepared to enter into a s106 Legal Obligation to take over ownership of this drop-off area. Persimmon has confirmed that they would provide a maintenance company to maintain the car park and make it available for use by parents.
- 10.28 A further car park providing 14 spaces would be provided for the use of the school. This would be located within the proposed extended school grounds and would be fenced off from the school playing fields. Maximum parking standards apply for commercial uses, including educational facilities and therefore the level of parking provision is considered appropriate and in accordance with Policy GEN8.
- 10.29 Concern has been raised by the school regarding security issues associated with the car park. The area would be inside a 1.8m chain link fence with gates which can be closed and locked during the day or when the school is unoccupied. Therefore, it is not considered that the car parking area would give rise to significant security concerns to warrant refusal of the application.
- 10.30 The Council's adopted parking standards require the provision of two spaces per dwelling up to 4 bedrooms. All the proposed properties would be 2 or 3 bedroom dwellings and each would have 2 car parking spaces or the adopted size of 5.5m x 2.9m.
- 10.31 There is an additional requirement to provide 0.25 spaces per dwelling for visitor parking. This would equate to a requirement for 9 spaces and these are provided throughout the site. The proposals therefore comply with Policy GEN8.

E Flood risk and drainage (ULP Policy GEN3; NPPF)

- 10.32 Policy GEN3 requires development outside flood risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere. The site is located within Flood Zone 1, therefore is a site with the lowest risk of flooding (more than 1 in 1000 years).

- 10.33 A Flood Risk Assessment has been submitted with the planning application. This acknowledges the requirement to provide a drainage scheme which provides attenuation up to and including the 1 in 100 year plus 40% for the Climate Change storm event for the site. It is proposed that the attenuation will consist of tanked porous pavements, over-sized sewers and a balancing pond. The attenuation facilities will attenuate surface water run-off from roofs, car parks and access road. This will subsequently be discharged to the existing natural ditch located southwest of the development site.
- 10.34 The proposals have been considered by the Local Lead Flood Authority who originally raised an objection to the proposals. Additional information and the planning application for the balancing pond have been submitted. The LLFA is now satisfied that the proposals would not increase the risk of flooding off-site and the proposals comply with Policy GEN3 and the NPPF.

F Impact on ecology and hedgerows (ULP Policies GEN7, ENV3, ENV8; NPPF)

- 10.35 Policy GEN7 and paragraph 118 of the NPPF require development proposals to aim to conserve and enhance biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. In addition, Policy ENV3 requires the protection of groups of trees unless the need for development outweighs their amenity value. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands. Mitigation measures are required to compensate for the harm and reinstate the nature conservation value of the locality.
- 10.36 The application site is made up of two different areas. The smaller part of the site forms part of the school grounds and is currently used as playing fields. This is partially sub-divided from the school by a Leylandii hedge. There is a further hedgerow along the western and southern boundaries of the school. These areas of hedging would be removed as a result of the proposed development.
- 10.37 The loss of the Leylandii hedging would not give rise to any significant concerns, other than the potential for the presence of nesting birds. However, mitigation measures such as the timing of clearance works would ensure that no significant adverse harm would arise from the proposals with respect of this element of hedging.
- 10.38 The loss of the western and southern boundary hedges raises further ecological concerns. These two hedgerows are linear features which could provide suitable habitats or feeding areas for various species. The trees are assessed as being a line of immature/semi-mature deciduous trees. Most of the trees do not exhibit features which can be used by roosting bats. However, there are two mature oaks and a grey willow beyond the south western corner boundary of the site which do provide low-moderate bat roosting potential.
- 10.39 The grassland does provide a suitable habitat for reptiles and a discrete population has been identified within the site. Reptiles are protected species and therefore mitigation measures would need to be incorporated into the scheme. The mitigation proposed is the translocation of the reptiles to a site known as Oak Meadows in Rayne.
- 10.40 The mitigation measures have been considered by the County Ecologist. Subject to a suitable site being located for the reptiles no objections are raised to the

proposals subject to the mitigation works being carried out and a Landscape and Ecological Management Plan being put in place. This can be secured by the way of s106 Legal Obligation and/or conditions and therefore it is considered that the proposals comply with the relevant policies.

G Other material planning considerations

10.41 The proposal would result in additional pressures on primary school and Early Years and Childcare provision within the vicinity. This can be mitigated by the means of a financial contribution to increase provision. This form of mitigation has been requested by ECC as the appropriate means of mitigation and this can be secured by the way of S106 Legal Obligation.

10.42 The Parish Council has objected strongly on the basis that no legal agreement has been submitted with the application to demonstrate that the affordable housing and the replacement playing fields. Given the failure of the applicant to prepare an appropriate agreement themselves at appeal stage resulting in the Inspector dismissing the appeal on this point alone this is probably most appropriate. The Local Authority is best placed to produce a s106 Legal Obligation and is able to secure the appropriate requirements and ensure that timings and triggers are set. Negotiations are ongoing with regards to the s106 contents which the applicant is willing to enter into. ECC has also confirmed that they are willing to enter into a s106 Legal Obligation in respect of the replacement school playing fields and staff car park. On this basis, it is considered that the current proposals, subject to the successful conclusion of the s106 negotiations, have overcome the only reason for the appeal being dismissed.

11. CONCLUSION

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

A As previously concluded by the Inspector, the development of this site represents sustainable development, particularly given the tilted balance given the lack of a 5 year land supply for housing. There would not be significant harm to the character of the rural area. The loss of agricultural land would be Grade 3b which is the lowest grade of land within the Uttlesford District. There are insufficient brownfield sites in the district to deliver the housing requirements. Whilst the proposals would result in the loss of playing fields replacement facilities are proposed and can be secured by way of a s106 Legal Obligation. The proposals comply with the relevant policies.

B The proposals comply with policies H9 and H10 relating to housing mix and affordable housing.

C Within the development the proposals would not give rise to loss of residential amenity. No significant adverse loss of amenity issues will arise in respect of the relationship of the development with existing properties.

D The proposed access is considered to be acceptable. The widening of the footpath is envisaged as being deliverable. The parking provision is acceptable for both the school and the residential units. The drop-off car park is an element of concern with ECC and the school not wishing to take control of the facility. The Inspector previously considered that it was acceptable and Persimmon is prepared to control this. However, it isn't fundamental to the scheme and the proposals comply with Policies GEN1 and GEN8.

- E** The proposal would not give rise to flooding issues and complies with Policy GEN3.
- F** The proposals would have impacts on reptiles and mitigation is proposed by the translocation to Rayne. This can be secured by way of a s106 Legal Obligation and/or conditions. The proposals comply with Policy GEN7.
- G** Essex County Council has confirmed that they will enter into a s106 Legal Obligation relating to the provision of replacement playing fields and the new staff car park.

RECOMMENDATION – CONDITIONAL APPROVAL AND S106 LEGAL OBLIGATION

- (I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by 18 May 2018 the freehold owner enters into a binding obligation to cover the matters set out below under S106 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 affordable housing**
 - (ii) Provision and maintenance of open space**
 - (iii) Maintenance of SuDS**
 - (iv) Provision of replacement playing fields and transfer of land to education authority**
 - (v) Translocation of reptiles**
 - (vi) Payment of financial contributions for education**
 - (vii) Bus stop improvements**
 - (viii) Pay the Council's reasonable legal costs**
 - (ix) Pay the monitoring fee**
- (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 Director of Public Services shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:**
 - (i) No provision of affordable housing**
 - (ii) No provision and maintenance of open space**
 - (iii) No maintenance of SuDS**
 - (iv) No provision of replacement playing fields and transfer of land to education authority**
 - (v) No translocation of reptiles.**
 - (vi) No payment of financial contributions for education**
 - (vii) No bus stop improvements**

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 samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

3. 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:

- i. proposed finished levels or contours;
- ii. hard surfacing materials;
- iii. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
- iv. Replacement boundary hedgerows, incorporating native species

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).

4. 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).

5. No development shall take place until the footways along the proposed extension of School Lane adjacent to the school site have been widened to a minimum width of 2m. For the avoidance of doubt the widened footway shall include full depth construction/reconstruction of the existing footway adjacent to the school site and surfacing of the entire width of the footway to the satisfaction of the local planning authority.

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

JUSTIFICATION: This pre-commencement condition is required to ensure the

safety of pedestrians accessing the school and failure to do so prior to development could result in increased highway dangers.

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

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

7. Prior to the commencement of the development hereby permitted, details of the scheme of design and sound insulation to achieve the internal noise levels recommended in British Standard 8233:2014, and for individual noise events to not normally exceed 45 dBLA max, shall be submitted to and approved in writing by the local planning authority. If the internal noise limits can only be achieved with closed windows then alternative means of both whole dwelling and purge ventilation shall be provided to allow residents to occupy the properties at all times with windows closed, having regard to thermal comfort. The scheme as approved shall be fully implemented prior to occupation of the residential units and shall be retained thereafter.

REASON: In the interests of residential amenity of the future occupiers of the properties, in accordance with Uttlesford Local Plan Policies GEN2 and ENV11 (adopted 2005) and the NPPF.

JUSTIFICATION: Failure to provide this information before the commencement of the development could result in the erection of dwellings that do not provide suitable sound insulation and/or ventilation measures.

8. Prior to the commencement of the development hereby permitted, details of a barrier to protect future occupiers from noise from the adjacent playground in the outdoor amenity areas shall be submitted to and approved in writing by the local planning authority. Details shall include the position, design, height and materials of the barrier proposed. The scheme as approved shall be fully implemented prior to occupation of the residential units and shall be retained thereafter.

REASON: In the interests of residential amenity of the future occupiers of the properties, in accordance with Uttlesford Local Plan Policies GEN2 and ENV11 (adopted 2005) and the NPPF.

JUSTIFICATION: Failure to provide this information before the commencement of the development could result in the erection of dwellings that do not provide suitable residential amenity for occupiers.

9. No development comprising Phase 3, 4 or 5A or 5B as set out in the Planning Statement and drawing no's PH-120-020A, 021A, 022A, 023A, 024A, 025A, shall take place unless the new playing field has been provided in accordance with drawing no. PH-120-002 Sept 2016 Rev I (illustrating the removal of the existing hedge along the southern periphery of the existing playing field) and in accordance with the construction works recommended in the Report on Replacement Sports Turf Provision and Sport England's design guidance note 'Natural Turf for Sport', 2011. On completion the new playing field shall be inspected by an independent qualified agronomist and verified as fit for purpose in

writing to the local planning authority. Subsequently, the playing field shall be made available for use by Henham and Ugley Primary and Nursery School before work commences on phases 3, 4, 5A or 5B of the development hereby permitted.

REASON: To ensure adequate playing field facilities are available for the school in accordance with Uttlesford Local Plan Policy LC1 (adopted 2005) and the NPPF.

10. No shrubs or trees shall be planted such that their location, roots or canopies will limit the usable area of retained and new playing field

REASON: To ensure new tree planting does not damage, shade or increase maintenance of sports pitches or limit the area of playing field capable of providing sports pitches, in accordance with Uttlesford Local Plan Policy LC1 (adopted 2005) and the NPPF.

11. Unless otherwise agreed in advance and in writing by the local planning authority after consultation with Sport England, the playing field shall not be used other than for outdoor sport and play.

REASON: To protect the playing field from loss and/or damage, to maintain the quality of and secure the safe use of sports pitches, in accordance with Uttlesford Local Plan Policy LC1 (adopted 2005) and the NPPF.

12. All ecological measures and/or works shall be carried out in accordance with the details contained in Ecological Assessment (Southern Ecological Solutions, September 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

REASON: In the interests of conserving biodiversity, in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and the NPPF.

13. No development shall take place, including demolition, ground works and vegetation clearance until the reptile mitigation and translocation has been implemented in full on the development site, as detailed in the Ecological Assessment point 5.43 (Southern Ecological Solutions, September 2017). This is likely to include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To allow the local planning authority to discharge its duties under the Wildlife and Countryside Act 1981 as amended and under s40 of the NERC Act 2006 (Priority habitats and species) and in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and the NPPF.

14. A biodiversity management and monitoring plan (BMMP) shall be submitted to, and be approved in writing by, the local planning authority within three months of commencement of Phase 1 of the development hereby permitted. The content of the BMMP shall include the following:

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

- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period)
- g) Details of the body or organisation responsible for implementation of the plan
- h) Ongoing monitoring of the population and remedial measures

The BMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objections of the BMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: In the interests of conserving biodiversity, in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and the NPPF.

15. A Biodiversity Management Plan (BMP) shall be submitted to and be approved in writing by the local planning authority within three months of commencement of Phase 1 of the development hereby permitted. The content of the BMP shall include the following:

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

The BMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objections of the BMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: In the interests of conserving biodiversity, in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and the NPPF.

16. 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 1 in 1 year 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.
- Final modelling and calculations for all areas of the drainage system.
- 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

JUSTIFICATION: 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.

17. 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 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

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

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

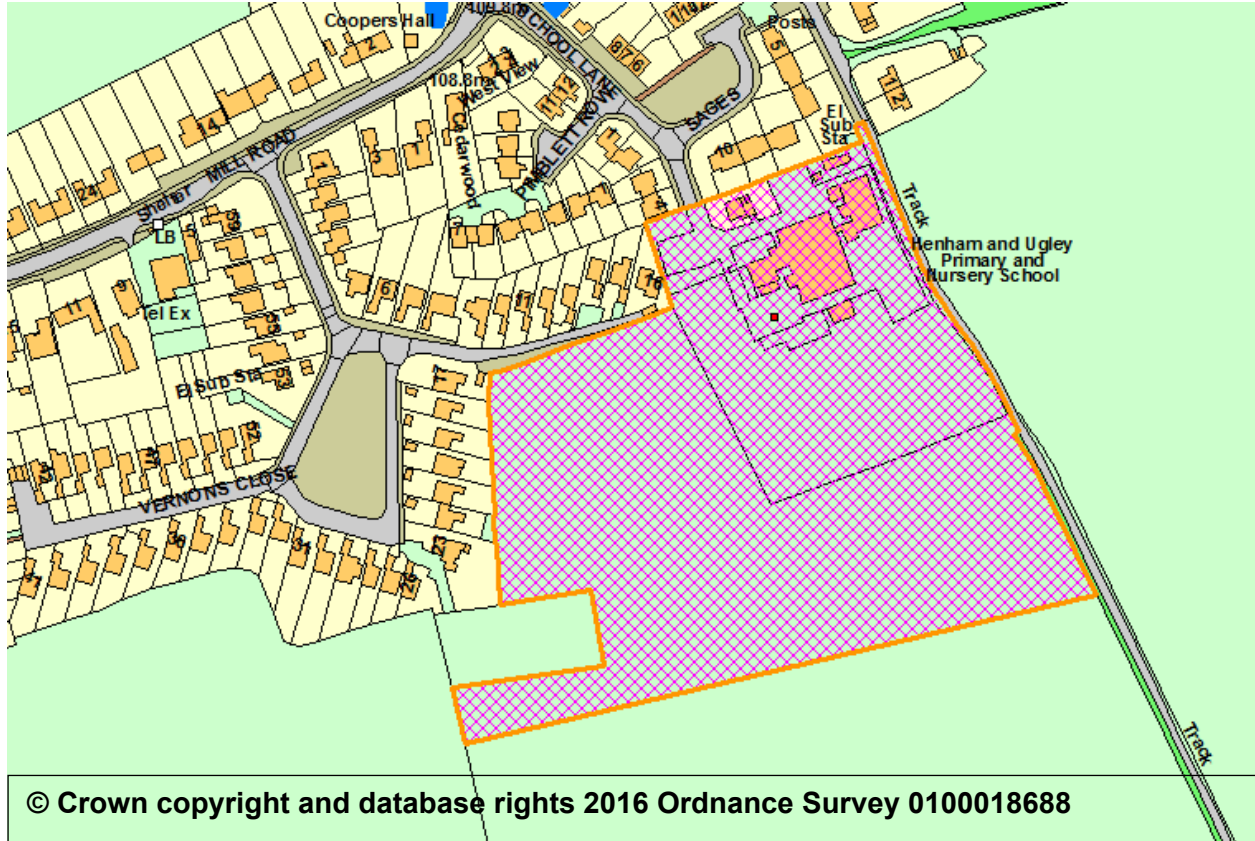
18. No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

JUSTIFICATION: Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Application: UTT/17/3197/FUL

Address: Land South of School Lane, Henham



Organisation: Uttlesford District Council

Department: Planning

Date: 2 March 2018

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UTT/17/0649/OP – (FELSTED)

(MINOR)

PROPOSAL: Outline application with all matters reserved for proposed development of 8 no. dwellings.

LOCATION: Land off Stevens Lane, Felsted

APPLICANT: Mr K Robinson

AGENT: Acorus

EXPIRY DATE: 23 May 2017

CASE OFFICER: Mr C Theobald

1. NOTATION

1.1 Outside Development Limits / affecting setting of Grade II Listed Buildings.

2. DESCRIPTION OF SITE

2.1 The site lies on the outside of a gradual curve on the north side of Stevens Lane which loops off the main road leading through Bannister Green and consists of an area of flat, overgrown land comprising 0.59 ha covered to a large extent by self-seeded tree and mature scrub, but with an excavated pond adjacent a clearing in the middle and a line of more established trees which stand onto the side/rear boundary of the site, some of which are subject to a TPO. Stevens Farm, a residentially converted grade II listed courtyard barn range with associated curtilage lies to the immediate east of the site which is set back from the lane frontage, whilst Yew Tree Cottage, a single storey grade II listed dwelling lies to the immediate south-west of the site towards the beginning of the lane. Cressages Close, a 1960's built residential cul-de-sac exists to the immediate west. A private unmade service track which runs to the side of Yew Tree Cottage denotes the site's south-western boundary. Farmland lies to the north (rear) of the site.

2.2 A line of modern dwellings lie along the south side of Stevens Lane which extend around the inside of the curve to the road junction which are generally open plan in character, including a short row of more recently built infill dwellings which stand opposite the site. A modernised period dwelling lies on the northern side of Stevens Lane on the eastern side of Stevens Farm Barn beyond a frontage pond, whilst a new pair of dwellings with garages which are in an advanced stage of construction lie beyond this. Further dwellings lie along Stevens Lane to its junction back with the main road on its south-east side.

3. PROPOSAL

3.1 This outline application will all matters reserved relates to the residential development of the site to provide 8 no. market dwellings with associated garages.

3.2 Four housing layout options have been submitted with the application for indicative purposes to show how the proposed development could be accommodated at the

site. The development in each case is shown as 6 no. detached dwellings and a pair of semi-detached dwellings, although no elevational details have been provided for the scheme to show how the dwellings might look or at what building scale. Option 4 layout scheme (drwg no. SL 5A), the latest option scheme to be provided, shows two lines of dwellings with vehicular access being taken off the existing side service track rather than directly from the road with the existing road frontage hedging retained. The development has been provided as a housing mix between 2 no. x 2 bed units, 2 no. x 3 bed units and 4 no. x 4 bed units (8 dwellings total), although this housing mix is a suggested mix only.

3.3 The application is accompanied by the following supporting documents:

- Flood Risk Assessment;
- Ecological Assessment (updated on 22/03/2017 in relation to bats and dormice);
- Combined Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan.

3.4 This planning application is being reported back to Planning Committee for determination, following the High Court's decision to set aside the Council's previous decision on this matter

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The site proposal can be described as being an Infrastructure Project under Schedule 2 Column 1, Class 10 of the EIA Regulations 2017. However, the development would not include more than 1 hectare of urban development which is not dwellinghouse development, the development would not include more than 150 dwellings and the overall area of the development does not exceed 5 hectares.

5. APPLICANT'S CASE

5.1 A planning supporting statement has been submitted with the application which sets out the constraints and opportunities for this undeveloped piece of land and the reasons why planning permission should be granted for its residential use

5.2 The following comments have been made:

- The site off Stevens Lane is currently overgrown with no established use. Due to the size of the site and neighbouring dwellings, it would be impractical and unviable to develop an agricultural enterprise.
- The proposed dwellings sit within the existing building line to the east and the west and will not extend into the open countryside to the north.
- The Local Authority has under delivered for housing for a number of years (6 out of the last 10) with the housing delivery target only being met once since 2009/2010. A 5 year supply of deliverable housing sites cannot be demonstrated, therefore the relevant development policies cannot be considered up to date. Paragraphs 49 and 55 of the National Planning Policy Guidance therefore take precedence.
- The NPPF clearly recognises the need to boost housing supply in rural as well as urban areas. It no longer seeks to protect the countryside for its own sake, but rather supports "thriving rural communities" within it (paragraph 17), whilst balancing social, economic and environmental needs.
- Housing on a particular site must also be shown to be deliverable in line with footnote 11 of the NPPF. The proposal can be delivered on the subject site as it

is available being owned by the applicant. It is also arguably sustainable being just outside the village boundary and can be achieved comfortably within the next 5 years.

- An assessment of any adopted policy to which the proposal is contrary and why in sustainability terms the proposal should not proceed contrary to the development plan is required.
- Bannister Green is located only 1.5 miles to Felsted, 6.5 miles to Great Dunmow, 7.5 miles to Braintree, 11 miles to Chelmsford and 11.9 miles to Stansted Airport. Braintree has a main line train station with trains running to London and Colchester on a regular basis.
- Bus services run from Bannister Green connecting with Gt Dunmow to the west and Braintree to the east and then to larger centres such as Chelmsford and Colchester. There is a bus stop nearby. In addition, there is a bus service to Stansted Airport from where the Stansted Express rail service runs to London Liverpool Street with a travel time of 50 minutes.
- Bannister Green and Felsted have a range of local facilities, including a traditional store/post office, bakers deli, arts and craft shop, a public house, several restaurants, village allotments, school, United Reform church and parish church.
- Employment opportunities in local towns are excellent. London is also within easy reach. In addition the erection of the dwellings will create employment opportunities during the construction phase of the proposed development. The development has the potential to provide a knock-on effect to local shops and businesses.
- This application scores highly as it will provide housing which is needed with reference to the 5 year housing supply, will provide employment during the development process and provide a positive effect on local businesses as well as tidying up and making use of a derelict site. The proposed mix of dwellings will encourage social integration.
- In terms of ecology, the spring assessment for newts is underway now that they are coming out of hibernation and this should be completed soon.
- Overall the proposal is sustainable.

6. RELEVANT SITE HISTORY

6.1 None.

7. POLICIES

Uttlesford Local Plan (2005)

- 7.1
- S7 – The Countryside
 - ENV2 – Development affecting Listed Buildings
 - ENV3 – Open Spaces and Trees
 - H1 – Housing Development
 - H9 – Affordable Housing
 - H10 – Housing Mix
 - GEN1 – Access
 - GEN2 – Design
 - GEN3 – Flood Protection
 - GEN7 – Nature Conservation
 - GEN8 – Vehicle Parking Standards

Supplementary Planning Documents/Guidance

7.2 Essex Design Guide.

National Policies

7.3 National Planning Policy Framework

Other Material Considerations

7.4 None.

8. PARISH COUNCIL COMMENTS

8.1 The Parish Council is opposed to this application for a number of reasons:

- The site is in open countryside outside the settlement development boundary. The proposed development would therefore be contrary to Policy S7 of the Adopted Local Plan unless it was to satisfy the qualification as an 'exception site'; it is not offered as such.
- The site was not put forward in response to the call for sites to be submitted for consideration in the emerging Local Plan, which describes Felsted as a 'Type A' village in which some market housing development might be considered under certain of the scenarios suggested. Should this plan be adopted, the largest volume envisaged for Type A Villages is a total of 1,000 houses (Scenarios B, F and G) spread across 20 villages; Felsted's allocation might reasonably be expected to be 50 new houses over the 15 years up to 2033 or around 3-4 dwellings per year. There are already 22 new dwellings at Watch House Green and a further 25 have been approved at Hartford End. These meet the Village's requirements until around 2030. There is therefore no demonstrated further need for market housing.
- Unlike other recent developments in the street, this proposal is for backfill development extending into the countryside. Stevens Lane is part of ECC's Quiet Lanes network; it is very narrow and not adequate to provide access to eight additional dwellings.
- The removal of the last substantial stretch of hedge line along the lane would result in unacceptable urbanisation to the detriment of the rural setting of the two neighbouring Grade II listed buildings.
- The area is known to have poor surface water drainage (the owners of the neighbouring buildings are understood to have installed drainage pumps to protect their properties). Great crested newts were relocated to this site when displaced from an earlier development nearby.
- The applicants' responses to the Biodiversity Questionnaire are disingenuous: negative responses to questions on the felling of trees and on nearby water features (including ponds) both conflict with the applicants' own ecological assessment and tree survey. The tree survey omits to identify the group of trees along the north-west border of the site as subject to Tree Preservation Orders as is identifiable from UDC's website.

9. CONSULTATIONS

Essex County Council Highways

9.1 The impact of the proposal is acceptable to the Highway Authority from a highway

and transportation perspective subject to conditions.

Essex County Council Ecology

9.2 (revised comments)
Holding objection removed.

No objections subject to conditions:

The application is supported by an Ecological Appraisal (The Ecology Practice, March 2017). The Appraisal summarises the main ecological constraints in Table 10 (Page 40) and subsequently recommends measures to alleviate negative impact/ promote biodiversity net-gain where possible.

My response of 19 April 2017 placed a holding objection on this application due to a lack of ecological assessment information relating to bats. The Ecological Appraisal (The Ecology Practice, March 2017) to which those comments relate has now been updated to include the required information.

The site holds ecology value for bats, great crested newt, breeding birds and white-letter hairstreak and contains important hedgerows and trees. The Ecological Appraisal provides a thorough assessment of the impacts in the context of the proposal. Whilst a small area of land will be lost to development, remaining land to the north (within the blue line boundary and under the applicant's control) will be significantly enhanced resulting in biodiversity net-gain. This area should also be subject to a long-term management plan and safeguarded from future development.

UDC Conservation Officer

9.3 The site the subject of this application is located in Bannister Green, one of the hamlets surrounding Felsted Village. Historically it was a small area of bucolic nature consisting of some three historic farmsteads with original farmhouses and outbuildings as indicated on the c19 OS map below (see Map 1). Some nine of these early buildings survived and are listed today.



Map 1

The undeveloped character of the hamlet drastically changed some 20/30 years ago when it became more heavily built-up (see Map 2 below, listed buildings marked brown). It could be said that the early listed buildings have been swamped by architecturally unremarkable modern development. The surviving listed 8 bay Stevens Farm Barn (Grade II) has been converted to three residential units and a considerable level of its original agricultural character has been eroded. Its setting as well as the setting of Yew Tree Cottage (Grade II) to the west of the site has been seriously altered by the residential expansion.



Map 2

The present application is in outline form with all matters reserved. The indicative selections of layouts so far produced, which in terms of design is of great concern by the way, lead me to believe that should some form of development be acceptable here that the new dwellings nearest to the listed buildings would be some 45 and 30 metres away respectively. Clearly, these distances are an estimation only as no formal acceptable layout exists. On balance, I feel that an appropriate, well designed scheme is unlikely to diminish the setting of the heritage assets in any greater degree than the modern housing already in existence.

I must reiterate that should Members have a mind to approve the principle of development here, a scheme responding much better to the historic and agrarian character of the listed buildings in the vicinity should be devised. In addition, I am sceptical that 8 no. units can be accommodated given the prerequisites such as the retention of the hedge, some dwellings fronting Stevens Lane and the scale of potential new homes not having an overpowering effect on the single storey C14 Yew Tree Cottage, which need to be taken into the account.

UDC Landscape Officer

- 9.4 The application site has an overgrown and undeveloped appearance and character comprising mainly self-seeded vegetation, but with mature trees standing onto its western flank. The site is considered in this respect to be distinct in character from the residential nature of the south side of Stevens Lane which comprises a line of dwellings extending along the inside of the lane and new infill dwellings which then curve around on the inside to Braintree Road. In this way, the site has a closer relationship in terms of character and appearance with Stevens Farm containing

converted rural buildings to the immediate east and the rural arable landscape to the north, whilst the linear development on the south side of Stevens Lane has a closer relationship with the built form of Bannister Green to the south and south-west. Therefore, a strong character comparison can be made between these two distinct areas whereby the northern edge of the lane provides this character separation boundary.

It is accepted that the majority of the vegetation cover within the interior of the site is mainly self-seeded and that the site interior does not contain any tree specimens of particular amenity value, although a line of protected high amenity trees (TPO) form part of the rear/side boundary of the site adjacent to the track which are required to be protected by any resulting development. Whilst the frontage line of the site forming the northern edge of Stevens Lane is also mainly self-seeded vegetation, this frontage nonetheless provides a strong green edge onto the lane which reinforces the site's rural undeveloped character as distinct from the residential nature of the south side of the lane. It is highly unlikely that much of this frontage line would be retained through any of the presented housing layout options which would open up the site to the detriment to its rural character and setting along Stevens Lane.

10. REPRESENTATIONS

10.1 21 representations received (Object). Neighbour notification period expires 10 July 2017. Advertisement expires 27 April 2017. Site notice expires 9 May 2017.

Summary of representations

- Site lies outside development limits. Contrary to Policy S7.
- Site not identified as a SHLAA housing site.
- Contrary to the emerging Felsted Neighbourhood Plan.
- The development would change the rural character of the north side of Stevens Lane.
- Type of development shown would not accord with the established ribbon pattern of Bannister Green.
- Loss of wooded area and frontage hedgerow. TPO on site.
- Loss of biodiversity. Inadequate bio-diversity questionnaire responses.
- Current relocation site for great crested newts has not worked (pond has dried up). No confidence that further newt relocation by the applicant would work either.
- Natural footpath through site.
- Surface water flooding potential has increased following previous house building in Stevens Lane along southern side. Ditches now flood over.
- Pressure on utility services, including water supply.
- Contractor vehicles would cause damage to road surface and verges.
- No pavements along Stevens Lane. Extra traffic would create road hazard.
- Stevens Lane has "Quiet Lane" status. Would the road have to be lit?
- Negative impact on setting of adjacent listed buildings.
- Lack of village infrastructure to support additional development.
- Development would not include social housing as a public benefit. Purely for private profit.
- Falling housing market for larger homes.
- Site is not derelict as stated.
- New local plan needed to stop speculative development.

11. APPRAISAL

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

- A Whether the development amounts to a presumption in favour of sustainable development, including reference to the 5 year housing supply / Countryside protection / Flood protection (NPPF and ULP Policies S7 and GEN3)
- B Access and design (ULP Policies GEN1 and GEN2)
- C Housing Mix and Affordable Housing (ULP Policies H9 and H10)
- D Open Spaces and Trees (ULP Policy ENV3)
- E Impact on protected/priority species (ULP Policy GEN7)
- F Impact on setting of listed buildings (ULP Policy ENV2)

A Whether the development amounts to a presumption in favour of sustainable development, including reference to the 5 year housing supply / Countryside protection / Flood protection (NPPF and ULP Policies S7 and GEN3).

- 11.1 The NPPF has a presumption in favour of sustainable development whereby paragraph 6 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF has three dimensions, or strands to sustainable development; economic, social and environmental whereby paragraph 8 states that these strands should not be undertaken in isolation to each other as they are mutually dependent, adding that economic, social and environmental gains should be sought *“jointly and simultaneously through the planning process to achieve sustainable development”*. Paragraph 17 sets out core land use planning principles which contribute to the presumption in favour of sustainable development.
- 11.2 Paragraph 11 of the NPPF states that planning law requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise and that proposed development that conflicts with the development plan should be refused permission unless other material considerations indicate otherwise. Paragraph 49 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 five year supply of deliverable housing sites.”* Paragraph 10 states that *“Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas”*.
- 11.3 ULP Policy S7 of the Council’s adopted local plan seeks to protect the countryside for its own sake and states that planning permission will only be given for development that needs to take place there or is appropriate to a rural area, adding that this includes housing infilling. The policy adds that *“development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there”*. The NPPF takes a more positive stance to development within rural areas providing that it represents a presumption in favour of sustainable development whereby para 55 states that *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”*. The Ann Skippers local plan/NPPF Compatibility Assessment report (July 2012) acknowledges that ULP Policy S7 is only “partially consistent with the NPPF”. Whilst the aim of Policy S7 of protecting the countryside is clearly in line with the environmental strand of the framework, and in particular with paragraph 17 (bullet point 5), overall this policy can

only carry limited weight in the planning balance if other factors weigh in the development's favour. Accordingly, paragraph 14 of the framework is engaged and with it the tilted balance set out in favour of sustainable development.

- 11.4 In terms of assessment against the three sustainability strands of the NPPF, the site is located within a sustainable position on the eastern edge of Bannister Green relative to Felsted village whereby it is within reasonable distance of local services and amenities provided within the village and also Felsted Primary School at Watch House Green located nearer to the site. Whilst it is reasonable to say that the site is not within comfortable walking distance of these services and amenities with the exception of the primary school, it is nonetheless adjacent to existing housing, whilst Members will be aware that a new housing development has been built within close proximity of the site along the B1417 Braintree Road to the north-west near to the primary school when the sustainability credentials of that development were accepted. As such, it is considered that the proposal would be compliant with the social strand of the NPPF. The proposal would also be compliant with the economic strand of the NPPF in terms of providing local construction work for the period of development build.
- 11.5 The site is currently undeveloped (greenfield) and serves as a natural “buffer” between Cressages Close to the immediate west and the barn conversion range at Stevens Farm to the immediate east. As such, the development of the site would represent an intrusion into the countryside on the outer side of Stevens Lane, which has a semi-rural feel as identified by the Council’s Landscape Officer in his consultation response. Accordingly, the development would strictly be contrary to the provisions of ULP Policy S7 and the environmental strand of the framework resulting in harm to the character of the lane. As such, it is necessary to measure the level of harm which would arise and the weight that should be attached to that harm in the overall planning balance.
- 11.6 It should be noted that the site is not derelict as described in the applicant's supporting statement. To suggest this would infer that there are buildings/uses on the land that have become neglected/abandoned over time and representing some form of visual detriment. This is not the case as the site does not contain any buildings and is not used for any specific land use. The site has become overgrown over many years with self-seeded vegetation, although that is now the site's character as viewed from the lane. Notwithstanding this, the applicant would be entitled to clear the land of all vegetation if desired with the exception of the preserved trees which stand at the back of the site and also subject to any ecology licences being required. The site does not constitute farmland and the residential development of it would not represent the loss of food production. Whilst reference is made in third party representation to a “natural” footpath running through the site from Stevens Lane, it is the case that no PROW's run through the site, the nearest being public footpaths which extend northwards to arable land out of Cressages Close and Stevens Farm on either side. As such, the path has no recognised status, which indicates that it is used on an informal basis for recreational purposes by local residents.
- 11.7 The site can only be publicly viewed from one main place and that is from Stevens Lane itself as the area for the application site falls short of the hard edge of the open arable land which lies to the north of the site whereby the strip of overgrown land which exists in between would be used as a newt translocation site (see further discussion on this issue below). As such, any housing provided at the site would not be readily appreciated at a distance from fields to the rear from either of the aforementioned public footpaths leading to/from Stevens Lane and any wider

countryside harm beyond the site itself would be limited. Taking this factor into account, any harm would be localised to Stevens Lane and it is further considered that any harm which would arise from the proposed development would diminish in time and mitigated through the submission of a detailed landscaping scheme (reserved matter).

- 11.8 Given the above assessment, the proposal would by definition be contrary to the countryside protection aims of ULP Policy S7 in relation to the environmental harm which would be caused. However, this harm relates only to a single policy and the weight that can be given to that policy is less than full weight as Policy S7 is only partially consistent with the framework as previously mentioned, particularly given the site's favourable geographical location and the need to reduce the Council's housing supply deficit, which are material factors. Furthermore, the applicant has stated that the site is deliverable.
- 11.9 In the circumstances, the adverse impacts of granting planning permission for the proposal would not significantly and demonstrably outweigh the benefits and it is considered that the proposal would amount to a presumption in favour of sustainable development as set out in paragraph 14 of the NPPF. The site is situated within Flood Zone 1 as shown on the Government's flood risk map, which means that the site has a low risk of flooding. As such, there are no reasons to refuse this application on flood risk grounds and it is not necessary for the applicant to provide a Flood Risk Assessment (FRA). The proposal would not therefore be contrary to ULP Policy GEN3 and it is considered that the application is acceptable in principle.

B Access and design (reserved matters) (ULP Policies GEN1 and GEN2)

Access:

- 11.10 Stevens Lane is a single width unclassified lane which is also locally designated as a "quiet lane". Recent infill housing development exists on the inside of the lane on its west side before it curves round onto the main road. Whilst Access is a reserved matter, it is considered that the introduction of an additional eight dwellings at Stevens Lane as proposed would not give rise to an unacceptable intensification of use of the lane notwithstanding its quiet lane status whereby ECC Highways have not raised any highway objections subject to a standard highway condition. The four indicated site layout "options" submitted show that a service access road at the required width would be able to be provided for the development (ULP Policy GEN1).

Design:

- 11.11 Scale, Layout, Appearance and Landscaping are also reserved matters and do not therefore fall to be considered for this outline application. The development is shown at 12 dwellings per hectare, which is low. The four housing layout options shown for the site are provided for indicative purposes only, although the layouts showing a double row of dwellings are not considered to be a particularly desirable form of development at this semi-rural location and it would be beneficial for pre-application discussions to be entered into between the applicant and the Council prior to the submission of any reserved matters application should planning permission be granted in principle to ensure that any firmed up site layout was appropriate for the site location and could satisfactorily accommodate eight dwellings.

C Housing Mix and Affordable Housing (ULP Policies H9 and H10)

- 11.12 The housing mix indicated for the site between 2, 3 and 4 bedroomed housing units (ratio: 2-2-4) could be an acceptable housing market mix for this edge of village location whereby there is a variety of house sizes and types within the vicinity of the site. No housing mix objections are therefore raised in principle to the proposal under ULP Policy H10.
- 11.13 Affordable housing financial contributions can no longer be requested by the Council for housing developments of ten or less housing units in line with NPPG advice. However, the applicant has indicated that he is willing to make a financial contribution to the Parish Council, possibly to the proposed Felsted Community Hub, as a way of providing the development with an additional community benefit in the absence of affordable housing, although this offer could not form the basis of a S106 agreement with the Council (ULP Policy H9).

D Open Spaces and Trees (ULP Policy ENV3)

- 11.14 The detailed tree survey submitted with the application has identified those trees which are of low to medium amenity value on the site and those which are of high amenity value, including those trees which stand towards the rear of the site which are subject to tree protection. The Council's Landscape Officer has seen the survey report and is satisfied at this outline stage that the residential development of the site would not significantly impinge on those existing trees recorded of being of medium to high amenity value. As Landscaping is a reserved matter, full consideration of this issue can only be appraised at detailed submission stage. No objections are therefore raised in principle under ULP Policy ENV3.

E Impact on protected/priority species (ULP Policy GEN7)

- 11.15 A detailed ecology report (The Ecology Practice) has been submitted with this application which has subsequently been updated (22/03/2017) to take into account ECC Ecology's initial holding objection relating to impact on bats. The report takes into consideration a proposed newt receptor site (identified as Site C in the report) which exists to the immediate rear of the development site following the translocation of a total of 53 newts from a building site on the west side of Stevens Farm in late 2015/early 2016 under a Natural England licence (Site A - UTT/14/2626/FUL). The report states that any newts which may exist on the proposed development site area (Site B) could be able to be successfully relocated onto Site C as the new receptor site, together with the introduction of other enhancing refugia to make the new newt environment more conducive to their survival. Notwithstanding that the existing translocation newt pond formed on the current receptor site (e.g. the development site – Site B) is now dry, this fact does not in itself affect the merits of the current application were the recommended safeguards as recommended in the report be put in place to ensure that appropriate methods for newt re-capture were observed prior to development being carried out, which would be conditioned.
- 11.16 The survey findings have revealed that the development would not have a harmful impact on other protected species, including bats, reptiles, badgers and the White-Letter Hairstreak Butterfly, providing certain controls are put into place in mitigation, which can also be conditioned. ECC Ecology has considered the updated ecology report, including the recommended methods of GCN relocation and impact on bats and has now removed its holding objection whereupon it has commented that the ecology report is thorough in its findings and analysis. In the circumstances, no

ecology objections are raised to the proposal under ULP Policy GEN7.

F Impact on setting of listed buildings (ULP Policy ENV2)

11.17 Section 66 (1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 provides that (1) *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*.

11.18 Paragraph 128 of the NPPF states that;

“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail shall be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary”.

Paragraph 129 states that;

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 132 states that;

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional”.

Paragraph 133 states that;

“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...”

and, finally, Paragraph 134 states that;

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.

11.19 The Council's Conservation Officer has advised in her consultation response that the residential use of this site between two Grade II listed buildings would be

unlikely to diminish the setting of the heritage assets in any greater degree than the modern housing already in existence in the locality and would be acceptable in principle subject to an appropriate and well-designed scheme responding positively to the historic and agrarian character of the listed buildings being submitted to the Council for detailed consideration at reserved matters stage where it is noted that the Conservation Officer advises that the submitted layout option schemes for the current outline application would not be appropriate for the site in the context of the setting of the listed buildings.

- 11.20 In the circumstances, and on the specialist advice received from the Council's Conservation Officer concerning the heritage impacts of this proposal, it is considered that the principle of the residential development of the site would lead to less than substantial harm to the significance of the adjacent designated heritage assets where this harm has been weighed against the public benefits of the proposal and would not be contrary to ULP Policy ENV2.

12. CONCLUSION

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

- A** The proposed residential development of this greenfield site lying just outside the settlement boundary for Bannister Green would in the planning balance amount to a presumption in favour of sustainable development when tested against the provisions of the NPPF and the Council's lack of a 5 year housing supply, notwithstanding it is acknowledged that some harm to the site's setting would be caused. The site is located within a low flood risk zone and is not therefore at a risk of flooding.
- B** Matters relating to access, scale, layout, appearance and landscaping are reserved matters and do not fall to be considered with this outline application, although ECC Highways have already indicated that it has no highway objections in principle to the proposed development.
- C** The housing mix indicated for the proposed development would appear to be acceptable in principle for this edge of settlement location. The applicant has advised that he will be separately communicating with the Parish Council regarding making a financial contribution to the community in the absence of any affordable housing being eligible for the scheme.
- D** The submitted tree survey reports show that the proposed development would not require the removal of any trees of significance at the site and any detailed application submission would ensure that the row of preserved trees at the side/rear of the site would be protected.
- E** The submitted (updated) ecology report shows that the development would not have a harmful impact on protected species subject to appropriate mitigation measures being incorporated into the development, including measures to relocate great crested newts to a new receptor area to the rear of the site.
- F** The principle of residential use at this site between two Grade II listed buildings would lead to less than substantial harm to the significance of these adjacent designated heritage assets where this harm has been weighed against the public benefits of the proposal subject to an appropriate, well-designed scheme responding positively to the historic and agrarian character of the listed buildings being submitted to the Council for detailed consideration at reserved matters stage.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

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

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

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

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

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

4. Details of a surface water drainage scheme incorporating sustainable drainage principles (SuDS) shall be submitted with any reserved matters application submitted showing how surface water drainage from the development site will be properly disposed of without causing flooding to adjacent properties or other land. Subsequently, the drainage scheme for the site shall be carried out as approved.

REASON: To ensure that the development does not pose a surface water flood risk to occupiers of the site or of adjoining land in accordance with ULP Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

5. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal produced by The Ecology Practice (March 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

REASON: To ensure that protected species are not harmed by the development and to promote bio-diversity enhancements in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

6. No development shall take place (including demolition, ground works, vegetation clearance on either Site B or Site C (see Ecological Appraisal produced by The Ecology Practice dated March 2017)) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in

writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

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

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

REASON: To ensure that protected species are not harmed by the development and to promote bio-diversity enhancements in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

7. No development shall take place until an ecological design strategy (EDS) addressing habitat compensation has been submitted to and approved in writing by the local planning authority. The strategy shall accord with the recommendations in the Ecological Appraisal produced by The Ecology Practice dated March 2017. The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To ensure that protected species are not harmed by the development and to promote bio-diversity enhancements in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

8. A landscape and ecological management plan (LEMP) for Site C shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of

the development. The content of the LEMP shall include the following.

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

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out *(where the results from monitoring show that conservation aims and objectives of the LEMP are not being met)* how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

NB: If the ecological consultant wishes; the CEMP, ecological design strategy and LEMP can be combined into one report.

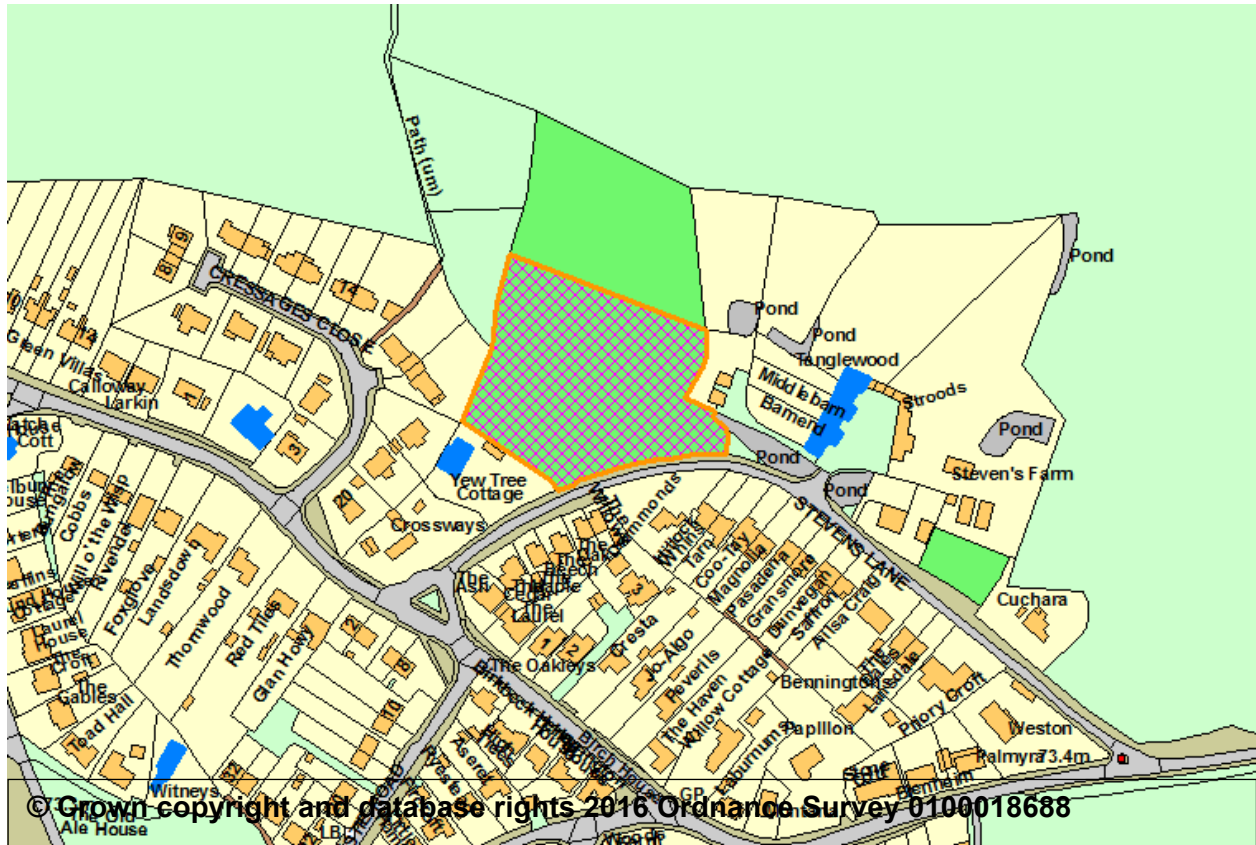
REASON: To ensure that protected species are not harmed by the development and to promote bio-diversity enhancements in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

9. All of the dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

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

Application: UTT/17/0649/OP

Address: Land off Stevens Lane, Felsted



Organisation: Uttlesford District Council

Department: Planning

Date: 2 March 2018

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UTT/17/2238/FUL – (GREAT DUNMOW)

(MAJOR)

PROPOSAL: Demolition of existing bungalow and erection of 25 no. dwellings and associated infrastructure

LOCATION: Oaklands, Ongar Road, Great Dunmow

APPLICANT: Mr O Hookway

AGENT: Go Planning Ltd

EXPIRY DATE: 30 November 2017 (Extension of time granted to 21 March 2018)

CASE OFFICER: Clive Theobald

1. NOTATION

1.1 Outside Development Limits / Poor Air Quality - Within 35m of A120.

2. DESCRIPTION OF SITE

2.1 The site is located on the south side of the B184 Ongar Road between the Taylor Wimpey housing development, currently under construction on its east side and two detached bungalow properties (Brick Kiln and Tiggers) on its west side which are situated close onto the A120 and contains an occupied bungalow which stands in large grounds comprising 1.22 ha and which is set back deep within the site, behind a large frontage pond enclosed by several large specimen trees which form an attractive enclosed feature at the front of the site. The rear part of the site beyond the bungalow in contrast, is completely open in nature comprising bare grassland which falls down to the edge of the A120.

2.2 The north side of Ongar Road opposite the site extending eastwards towards Clapton Hall Lane roundabout is characterised by a long line of post-war bungalows, whilst land between the end bungalow and the A120 on the north-west side is currently being developed for housing purposes by Redrow Homes.

3. PROPOSAL

3.1 This full application relates to the demolition of the existing bungalow on the site and the erection of 25 no. dwellings comprising a mix of detached, semi-detached and terraced dwellings and bungalows, including 40% affordable housing, with associated service road, covered and hardstanding parking and landscaping.

3.2 The proposed dwellings and garages would be designed in traditional style incorporating tiled roofs and a mixture of rendered and boarded wall finishes with white uPVC windows. The service road would have a 6m porous tarmac and paved shared surface.

3.3 The application is accompanied by the following core documents:

- Design and Access Statement

- Statement of Community Involvement
- Flood Risk Assessment
- Transport Statement and Highway Safety Audit
- Noise Impact Assessment
- Ecology Survey Report
- Tree Survey
- Arboricultural Impact Assessment

3.4 The proposed housing schedule is set out as follows:

Plot Number	House type	House tenure	Storeys	Bedroom size	Amenity space	Parking spaces
1	Detached	Market	2	5	300sqm	4
2	Detached	Market	2½	5	150sqm	4
3	Detached	Market	2	4	140sqm	3
4	Detached	Market	2	5	190sqm	4
5	Detached	Market	2½	5	180sqm	3
6	Detached	Market	2	4	160sqm	3
7	Detached	Market	2½	5	170sqm	3
8	S/detached	Market	2	3	116sqm	3
9	S/detached	Market	2	3	114sqm	3
10	Terraced	Affordable	2	3	100sqm	2
11	Terraced	Affordable	2	2	82sqm	2
12	Terraced	Affordable	2	3	150sqm	2
13	FOG	Affordable	2	2	75sqm	2
14	Terraced	Affordable	2	2	100sqm	2
15	Terraced	Affordable	2	2	100sqm	2
16	Terraced	Affordable	2	2	100sqm	2
17	FOG	Affordable	2	2	75sqm	2
18	S/detached	Market	2	3	100sqm	2
19	S/detached	Market	2	3	100sqm	2
20	S/detached	Market	2	3	100sqm	2
21	S/detached	Market	2	3	100sqm	2
22	Detached	Market	1	3	180sqm	3
23	Detached	Market	1	3	150sqm	3
24	S/detached	Affordable	2	2	80sqm	2
25	S/detached	Affordable	2	2	150sq	2

4 ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The site is considered to fall within the definition of an “Urban development project” under Section 10 of “Schedule 2” of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. However, the development does not include more than 1 hectare of urban development which is not dwellinghouse development, the development does not include more than 150 dwellings and the overall site area of the development does not exceed 5 hectares (site area = 1.22 ha).

5. APPLICANT’S CASE

- 5.1 The submitted Design & Access Statement describes the site and surrounding site context, the planning background to the current scheme, including reference to a previous preliminary enquiry submitted to the Council for the same number of dwellings but for a different site layout which identified issues concerning noise and the distribution of affordable housing, the way that the pre-application process has informed the current site layout, site evaluation, including reference to proposed access, design, scale and appearance, and reference to S106 Heads of Terms (affordable housing and education).

- 5.2 The statement concludes as follows:

“The details supplied in this design and access statement are intended to advise the reader of the design philosophy that have been adopted within the proposal and will therefore form the basis of the detailed planning application. Consideration has been made for the site in its context and the nature of the surroundings in the proposal. It is our intention to provide a high quality development which will add character to its surroundings and integrate with the locality. The site’s design has been informed by both constraints and opportunities, and the provision for 25 no. dwellings with 10 no. affordable dwellings in the form outlined have been shown to add character to the locality. The site should be brought forward to provide much needed high quality family housing which has been demonstrated as being sustainable, and is at the very heart of the NPPF’s presumption in favour of sustainable development.”

6. RELEVANT SITE HISTORY

- 6.1 None, although the proposed scheme was subject to a preliminary enquiry in 2017 when advice was given by the Council that the site was situated within a sustainable position relative to the town centre when read in the context of the approved large housing developments to the immediate east (Taylor Wimpey - “Ongar Road South”) and to the immediate north-west (Redrow Homes - “Ongar Road North”). The applicant’s attention was drawn to matters of noise given that the site’s south-western rear boundary borders onto the A120 and as this was an issue to be resolved for the Redrow Homes development, affordable housing whereby the indicative site layout submitted showed the affordable housing element clustered together at the rear of the site thereby reducing social cohesion with the market housing shown, ecology, drainage and the impact of the proposal on the established trees positioned at the front of the site.

7. POLICIES

Uttlesford Local Plan (2005)

- 7.1 ULP Policy S7 – The Countryside

ULP Policy ENV3 – Open Spaces and Trees
ULP Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance
ULP Policy ENV10 – Noise sensitive development
ULP Policy ENV13 – Exposure to Poor air quality
ULP Policy H9 – Affordable Housing
ULP Policy H10 – Housing Mix
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN3 – Flood Protection
ULP Policy GEN6 – Infrastructure Provision to Support Development
ULP Policy GEN7 – Nature Conservation
ULP Policy GEN8 – Vehicle Parking Standards

Supplementary Planning Documents/Guidance

7.2 SPD “Accessible Homes and Playspace”

National Policies

7.3 National Planning Policy Framework (NPPF)

Other Material Considerations

7.4 Essex Design Guide

ECC Highway Standards – Design and Good Practice – Sept 2009
UDC Parking Standards – Feb 2013

Great Dunmow Neighbourhood Plan 2015-2032
Policy DS1: TDA: Town Development Area
Policy DS8: Building for Life
Policy DS12: Integration of Affordable Housing
Policy DS13: Local Housing Needs
Policy LSC1: Landscape, Setting and Character

8. TOWN COUNCIL COMMENTS

8.1 Great Dunmow Town Council objects to this application on the following grounds:

- (1) Over-development of the site. UDC has allocated 13 houses to this site within the draft Local Plan - this application is for almost double that.
- (2) The site's proximity to a sharp bend in the B184 Ongar Road, along with its location between the new developments on land North and South of Ongar Road will result in heavy, fast moving traffic and an associated increased risk of accidents.

9. CONSULTATIONS

Highways England

9.1 No objection. Highways Act Section 175B is not relevant to this application. Note: Annexe A: The site may be affected by noise and fumes from the nearby A120 and the Council may wish to consider these issues before issuing a decision.

London Stansted Airport

- 9.2 The proposal has been examined for aerodrome safeguarding - the proposal does not conflict with any safeguarding criteria. Accordingly, Stansted Airport has no safeguarding objections.

Anglian Water

9.3 ASSETS

Section 1 – Assets Affected

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

WASTEWATER SERVICES

Section 2 – Wastewater Treatment

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

Section 3 – Foul Sewerage Network

3.1 Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures.

We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

Section 4 – Surface Water Disposal

4.1 From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

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

Section 5 – Trade Effluent

5.1 Not applicable.

Section 6 – Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Foul Sewerage Network (Section 3)

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

REASON: To prevent environmental and amenity problems arising from flooding.

ECC Highways

- 9.4 The impact of the proposal is acceptable to the Highway Authority from a highway and transportation perspective subject to highway conditions:

ECC SuDS

- 9.5 (revised comments received 17 November 2017):

We received further information which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites

Lead Local Flood Authority position:

Having reviewed the drainage strategy and associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to SuDS conditions:

ECC Infrastructure Planning

- 9.6 Thank you for providing details of the above full application for 23 new houses. Assuming that all of these units are homes with two or more bedrooms, a development of this size can be expected to generate the need for up to 2.25 Early Years and Childcare (EY&C) places; 7.5 primary school, and 4.2 secondary school places.

Please note that any developer contribution figures referred to in this letter are calculations only, and that final payments will be based on the actual dwelling mix and the inclusion of indexation.

9.7 Early Years and Childcare

The proposed development is located within the Great Dunmow South and Barnston Ward. According to Essex County Council's childcare sufficiency data published in July 2017, there are eight providers of early years and childcare in the area. Of these, two are pre-schools; five are child-minders and one is a day nursery. Overall, a total of 16 unfilled places were recorded. The data shows sufficient unfilled places to meet the demand from this proposal.

9.8 Primary Education

This development sits within the joint priority admissions area of Dunmow St Mary's Primary School and Great Dunmow Primary School. Both schools offer 60 places in each year group and at the last school census point in May both schools were full in Reception and had a combined total number on roll of 850 pupils. Demand for school places in the Dunmow area is forecast to grow and, according to Essex County Council's document "Commissioning School Places in Essex", by the academic year 2020/21 both schools will have a significant capacity deficit of 89 and 72 places respectively without action.

The contribution sought is calculated using the formula outlined in the Essex County Council Developer's Guide to Infrastructure Contributions, which sets sums based on the number and type of homes built. The contribution will thus be fairly and reasonably related in scale and kind to the development and thereby Community Infrastructure Levy regulation 122 compliant. Five obligations naming the project alluded to above have not been entered into at this time and any Section 106 agreement in favour of education is thereby also regulation 123 compliant. A project to provide sufficient school capacity is therefore proposed. The estimated cost of the project is circa £95,000 at April 2017 costs. A developer contribution, index linked to April 2017 is sought to mitigate its impact on local primary school provision.

9.9 Secondary Education

This development does not generate sufficient secondary school pupils to reach our threshold for a secondary school education contribution. A secondary education contribution will not be requested.

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

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

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

ECC Ecology

- 9.10 No objections subject to conditions (1. Compliance with existing detailed biodiversity method statements, strategies, plans and schemes, 2. Restrictions on operations involving invasive non-native species, 3. Landscape and ecological management plan (LEMP)).

ECC Archaeology

- 9.11 Recommendation: Archaeological Programme of Trial Trenching followed by Open Area Excavation.

REASON: The Historic Environmental Record identifies the recent excavation of the remains of a late Iron Age and Roman settlement on land immediately to the north of the Oaklands site. On this site following trial trenching, open area excavation was undertaken on a sequence of enclosures forming a ladder field system of Late Iron Age or Roman date. Post excavation work is still underway on this site. The development area also contains the Roman road leading from Great Dunmow south-westwards towards Harlow which will be impacted by the development.

Essex Police

- 9.12 We would like to see the developer seek to achieve a Secured by Design award in respect of this proposed development. From experience, pre-planning consultation is always preferable in order that security and lighting considerations for the benefit of the intended residents and those neighbouring the development are met prior to a planning application.

UDC Housing Enabling Officer

- 9.13 No objections in principle to the affordable housing element shown for this housing scheme subject to the housing tenure being secured by a S106 agreement.

UDC Environmental Health Officer

- 9.14 **Noise**

Recommendation

No objections to the proposal subject to the imposition of recommended condition.

Comments

Thank you for consulting Environmental Health on this application.

This proposal comprises the demolition of Oaklands and the development of 25 new residential units to the north-east of the A120 and south of the B184 Ongar Road. To the east, Taylor Wimpey are currently in the process of completing a development of 99 residential units.

The application is supported by a noise impact assessment undertaken by Accon UK Environmental Consultants. This noise impact assessment is unusual in that it has been undertaken entirely by modelling with no on-site monitoring being

undertaken. Traffic volumes and make up, road surface and topography were used in a computer model to predict likely noise levels affecting the site. Whilst unusual in approach, the results from the exercise are that differing levels of mitigation will be required across for road traffic noise (glazing and barriers) and all but two of the plots will require mechanical ventilation as set out in the UDC comments included in the noise report.

With this in mind, I have no objections to the proposal subject to the following condition being placed on any grant of planning permission.

No development shall take place until a scheme for protecting the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the local planning authority. The scheme shall follow the recommendations identified in the Accon UK Ltd report (Ref:A3035/N/001) dated 14th July 2017. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

REASON: To protect the amenity of future occupiers of the development.

9.15 **Air Quality**

Recommendation

No objections.

Comments

Thank you for consulting Environmental Health on this application. The application site at its south-west corner is within 35m of the A120 Great Dunmow bypass, although the nearest dwelling at this corner (Plot 15) is not less than 35m from the road carriageway surface as the crow flies given the raised position of the site relative to the carriageway.

There are no known tube air quality measuring stations along this section of the A120. However, car speeds along this section of the road are known to be normally high involving free flowing traffic meaning that car engines will be performing at optimum levels thereby producing less pollutant particulates into the atmosphere. Additionally, the slightly elevated position of the site at this south-west corner to the road and the vegetated nature of the road boundary will further serve to keep air quality to acceptable levels across this lower rear section of the site whereby any pollutants will be able to be dispersed quicker.

UDC Landscape Officer

- 9.16 There are 3 veteran oak trees on the site which are the subject of a tree preservation order (TPO 04/17). These trees are shown to be retained in the development proposal. The submitted tree protection measures are considered to be appropriate.

There are a number of trees (33) which are proposed to be removed (2 Lombardy poplar, 1 walnut, 1 eucalyptus, 1 lime, 1 horse chestnut, 5 apple, 1 oak, 2 hornbeam, 2 cherry, 1 holly, 4 conifers, 1 Tree of Heaven, 1 acacia, 1 laurel, 9 Leylandii). For the greater part, these trees are either in fair or poor condition and not considered worthy of protection. 1 hornbeam and 1 lime tree proposed to be

felled are in good condition. However, they are not considered to be of significant amenity value in terms of the wider landscape. The oak tree proposed to be felled is a large specimen which has been ring-barked and as a consequence is dying.

Any approval should be subject to conditions requiring the protection measures for trees to be retained to be implemented in accordance with the recommendations as set out in the D F Clark Bionomique Ltd's Arboricultural Impact Assessment dated 24.05.2017 (rev A); and the submission for approval of a fully detailed scheme of landscaping.

10. REPRESENTATIONS

10.1 Neighbour notification period expired 5 October 2017. Advertisement expired 5 October 2017. Site notice expired 12 October 2017.

3 representations received (Object).

Summary of objections:

- This end of Ongar Road is already experienced large house building with roughly 200 new homes currently being built at Ongar Road North and Ongar Road South. The local infrastructure cannot support any more homes.
- Ongar Road has already experienced extensive loss of green space and trees due to the two ongoing housing developments. The current housing proposal for Oaklands includes the removal of several established trees from the front of the site which would be such a loss to the area and would dramatically alter the nature of the road.
- The new development will add to the many additional cars which will be using Ongar Road into town once the two adjacent developments are completed compared to the current situation with the added issue of air pollution.
- We are already experiencing problems with construction and contractor traffic using Ongar Road for the Taylor Wimpey and Redrow sites.
- Brick Kiln Bungalow: An impressive Oak tree at the front of the site which would be in the rear garden of one of the frontage properties for the proposed development has already been ringed meaning that this tree is destined to die. Subsidence issues experienced in the past and this tree could cause further issues to our property once the roots start retracting.
- Our bungalow would be overlooked by Plot 22 to the rear and the dwelling shown for Plot 25 is too close to our boundary.
- My mother who lives on her own at Brick Kiln Cottage is elderly and has dementia and will find the development of Oaklands very unsettling to the detriment of her health.
- I understand that there is also a proposal to develop Tiggers for housing on the other side of Brick Kiln meaning that if permission is granted for Oaklands and subsequently for this adjacent development then we will be completely hemmed in.

11. APPRAISAL

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

- A Principle of development having regard to sustainability principles, flood risk, impact on landscape character, noise and air pollution (NPPF, ULP Policies GEN3, S7, ENV10 and ENV13).
- B Access (ULP Policy GEN1).

- C Design (ULP Policy GEN2 and SPD “Accessible Homes and Playspace”).
 - D Housing Mix (ULP Policy H10).
 - E Affordable Housing (ULP Policies H9 & GEN6).
 - F Parking Standards (ULP Policy GEN8).
 - G Impact on residential amenity (ULP Policy GEN2).
 - H Impact on trees (ULP Policy ENV3).
 - I Impact on protected and priority species (ULP Policy GEN7).
 - J Impact on Sites of Archaeological Importance (ULP Policy ENV4).
- A Principle of development having regard to sustainability principles, flood risk, impact on landscape character, noise and air pollution (NPPF, ULP Policies GEN3, S7, ENV10 and ENV13).**

Sustainability Principles

- 11.1 The application site is situated at the west end of Ongar Road from Clapton Hall roundabout before the bridge over the A120 and before two residential properties (Brick Kiln and Tiggers) which form a large land triangle in between. The site lies outside development limits for Great Dunmow in the adopted local plan and ULP Policy S7 applies to the proposal which states that the countryside will be protected for its own sake. However, it is the case that the adjacent large housing development currently under construction to the immediate east (Taylor Wimpey - Ongar Road South) was found through the planning process to be within a sustainable location relative to Great Dunmow town centre in terms of distance to bus stops and pedestrian connectivity to the town, whilst the housing development of comparative size currently under construction to the immediate north-west (Redrow Homes - Ongar Road North) was also found to meet sustainability principles in view of its location and in view of Ongar Road South.
- 11.2 The smaller site now proposed for residential development for 25 no. dwellings at Oaklands the subject of the current application effectively straddles these two larger sites and it is therefore difficult in the circumstances to argue that the site is not situated within a sustainable location when viewed in the context of these adjacent sites. It should also be noted that the site forms a large established residential curtilage rather than being either previously farmland (Ongar Road South) or parkland/ amenity land (Ongar Road North). It should be emphasised for the purposes of site location that the Great Dunmow Neighbourhood Plan (GDNP) which was “made” in December 2016 and which is a material planning document in the planning process in terms of the policies contained within it identifies that the site at Oaklands is within the Town Development Area as defined by red line on the Town Map as shown at page 16 (Fig 16) whereby Policy DS1: TDA states that the GDNP defines the Town Development Area for the purposes of “*directing future housing growth in line with allocations set out in the plan, protecting the rural setting of Great Dunmow; and containing the spread of the town by promoting infill within existing built-up areas*”, adding that all other areas will be treated as countryside.
- 11.3 One caveat placed within the GDNP at page 35 in the preamble justification section to DS1: TDA as an Important Note is under the heading “Lands North and South of Ongar Road” where this section states that “*The Town Council does not agree with the principle of these two sites being included in the Town Development Area due to the residential amenity issues relating to noise. Ongar Road North also provides important woodland habitat which the town does not wish to lose. The Plan cannot however alter the fact that there are existing planning consents on the sites and therefore the Town Development Area does include them both.* In the circumstances, the current application for 25 no. dwellings at Oaklands has to be

read against this statement where the same issue of noise is a material consideration to the proposal, which is discussed further on below in this report.

- 11.4 A detailed transport statement accompanies the application (Journey Transport Planning, August 2017) which address public transport accessibility, walking and cycling, safety considerations, accident analysis, trip distribution and assignment and also parking in relation to the proposal and concludes that the proposal *“has been developed in accordance with the aims and objectives of current national and local policy as it relates to transport and will not have a significant impact on the efficiency or safety of the local transport network”* adding that there are no substantive highway or transportation reasons why the proposal as submitted should not be permitted.
- 11.5 ECC Highways have not objected in strategic highway terms to the principle of Oaklands from being developed for residential purposes and it must be re-emphasised that the development of the site for housing has to be read in the context of Ongar Road South and Ongar Road North and, given the findings of the applicant's transport statement, it has to be concluded that there are no locational reasons in terms of highways or access to public transport provision and local services as to why the application should be refused and in this respect it is argued that the proposal would meet the objectives of the social strand, or social role of the NPPF.

Flood Risk

- 11.6 The Council is required by the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) to consider each planning application on a risk based approach to development proposals to assess the risks of all forms of flooding to and from development taking climate change into account and to inform the applicant of the sequential approach. Local Planning Authorities should apply the sequential test as laid down in the NPPG to demonstrate that there are no reasonably available sites in areas with a lower probability of flooding that would be appropriate to the type of development or land use proposed.
- 11.7 The site is zoned as being within Flood Zone 1 on the Government's flood risk map (land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year (< 0.1%)) meaning that the site has a low risk of flooding from fluvial sources and surface water flooding. As such, the development of Oaklands is deemed to meet the requirements of the sequential test as the overall aim of the sequential test “should be to steer new development to Flood Zone 1” (Technical Guidance to the NPPG Section 5). The raising of finished floor levels of the proposed dwellings to a minimum of 150mm above existing ground level (levels range at the site between 70.50m AOD to the north down to 66.20m AOD along the southern boundary) is considered adequate protection from this form of flooding.
- 11.8 A Flood Risk Assessment and Drainage Strategy Report has been prepared for the development (Walker Associates Consulting Ltd, July 2017) which seeks to determine whether the development proposal would have a detrimental off-site impact which may cause or worsen flooding to other properties in the area, or create a flood risk to the proposed development itself. The report addresses issues relating to flood risk assessment, surface water discharge, foul water discharge, SuDS maintenance schedules, a summary and residual risks of the proposed development and recommendations for dealing with any residual risks resulting from the development.

- 11.9 The application is accompanied by a surface water strategy plan which shows the extent of new block paving areas within the proposed development, new storm water drainage runs, an underground surface water tank at the lower end of the site and also a small swale connecting the rear of the site with an existing watercourse running parallel with the A120 whereby surface water outflows will be restricted to greenfield rates by means of a flow control device. The surface water strategy proposes that run-off from the dwellings at the top end of the site will be discharged to the existing pond which currently is not connected to any surface water drainage systems, that all private drives will be drained by means of permeable block paving, that the internal service roads within the site will be installed using permeable tarmac and that attenuation will be provided for the 100year+40% critical storm event within the underground storage units. 1 in a 100 year storm event micro-drainage calculations have also been provided based upon the hardstanding areas shown, including for storm sewer design. The strategy report concludes that the proposed development will not have any effect on flooding within the vicinity of the site, will incorporate appropriate SuDS provision and will comply with the requirements of NPPG and other relevant planning policy as a result of the measures outlined in the report.
- 11.10 ECC SuDS comments have commented on the application who originally raised a holding objection to the proposal (05/10/2017) as the submitted Surface Water Drainage Strategy did not comply with the requirements set out within Essex County Council's Drainage Checklist and therefore the submitted drainage strategy did not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development with particular reference to the extent of calculations submitted and whether climate change had been applied to the storage calculations, "urban creep". Details were also required of how surface water would be treated before entering the pond at the front of the site so that it was not adversely affected ecologically and on how the pond had the capacity to take any flow from the site.
- 11.11 Following clarification from the applicant on the identified issues above, ECC SuDS have since reviewed the submitted drainage strategy and associated documents and have now removed their holding objective subject to conditions. The proposal therefore complies with the NPPF and ULP Policy GEN3.
- 11.12 In term of foul drainage, Anglian Water have prepared a pre-application planning assessment relating to the proposed development which has predicted that estimated flows from the site at Ongar Road via a direct connection to the public foul sewer system would result in a detriment to performance on existing sewer capacity resulting in increased flood risk downstream of the proposed connection point and that no additional dwellings can be connected without the need for a mitigation solution. A foul drainage mitigation strategy has been recommended by Anglian Water involving further hydraulic modelling to provide a solution for draining the foul flows from the proposed development whereby the topography of the site indicates that a pumped regime is required as gravity connection is not feasible. The solutions to prevent detriment to the existing sewerage network performance during a 1 in 30 year critical duration storm event would include an upsizing of existing sewers within the nearby vicinity of the site and providing off-line storage whereby these drainage strategy measures would represent a feasible solution for planning application purposes and which can be conditioned so that the measures can be agreed with the LPA in liaison with Anglian Water and where a detailed design would be required to investigate the solution further post-application stage.

Impact on landscape character

- 11.13 The site is located adjacent to two bungalows situated to the immediate west whereby the A120 cuts through at an angle to the rear of the site effectively creating a physical barrier with Ongar Road to The Rodings beyond the road bridge over the A120. The front section of the site has an attractive glazed appearance onto Ongar Road, whilst the rear section is open in its internal appearance. The slightly elevated position of the site relative to the A120 cutting would mean that the dwellings shown for the rear south-west section of the site are likely to be visible in part from the A120, although a line of thick vegetation runs along the site with the road meaning that some of the built form would be screened due to this. The frontage of Ongar Road to the immediate east is currently being developed for housing purposes (Taylor Wimpey - Ongar Road South), whilst the land to the immediate north-west is also now being residentially developed (Redrow Homes – Ongar Road North) meaning that the streetscene of this section of Ongar Road has already changed in its character because of these two previous grants of planning permission.
- 11.14 The dwellings for the proposal site at Oaklands would be set back behind and to the side of the frontage feature pond meaning that their impact would be lessened from Ongar Road because of this setting-back which would also provide a natural break along the frontage building line on the south side of Ongar Road taking into account the Taylor Wimpey development. As such, it is considered that the proposal would not have a significantly harmful impact on the rural amenities of the area and would not therefore be contrary to the countryside protection aims of ULP Policy S7 where, as previously stated in this report, it is considered that the proposal would amount to a presumption in favour of sustainable development given its location providing additional housing for the district, whilst noting from Fig.29 of the GDNP that the site does not form part of a wider “Important View” for the town.

Noise

- 11.15 Noise pollution was a material consideration for both the Ongar Road South and Ongar Road North developments, more particularly so for Ongar Road North (Redrow) whereby some of the dwellings for that nearby development were shown to run either parallel with in very close proximity to or to abut end on to the A120 boundary line with rear gardens either facing immediately onto or running parallel with the A120 embankment. By comparison, the dwellings approved for Ongar Road South were not subject to as greater noise impacts due to the nearest dwellings being positioned further away from the A120 behind a large attenuation pond. However, noise is also a material consideration for the current proposal site at Oaklands given that the revised site layout for this site shows a line of dwellings extending down the west side of the site to its south-west corner with the A120.
- 11.16 It should be noted by way of background that the indicative site layout shown at preliminary enquiry stage for Oaklands showed a more linear housing layout extending southwards with the rear gardens shown on the west side of the service road facing either towards or directly onto the A120. However, the applicant was advised by the Council that this would not be acceptable in terms of noise impact for the same reasons as were relevant to Ongar Road North. As such, the site layout for the current application now shows the site layout with the service road extending further out onto the western side of the site along the site's western boundary and then returning at right angles along the southern

boundary eastwards with the dwellings shown on the inside of the road with inward facing gardens whereby the dwellings would create a sound barrier to the sitting out areas for the occupants of these dwellings at the lower end of the site. The same noise consultants who prepared the Noise Impact Assessment for the housing development for Ongar Road North (Accon UK, July 2017) have prepared a Noise Impact Assessment for the proposed housing development at Oaklands.

11.17 Paragraph 123 of the NPPF (insofar as it relates to the current proposal) states that planning policies and decisions should aim to:

- “Avoid noise from giving rise to significant adverse impacts (see Explanatory Note to the Noise Policy Statement for England (DEFRA)) on health and quality of life as a result of new development;
- Mitigate and reduce to a minimum other adverse impacts (see Explanatory Note to the Noise Policy Statement for England (DEFRA)) on health and quality of life arising from noise from new development, including through the use of conditions.

The Noise Policy Statement for England (NPSE) aims to “through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

- avoid significant adverse impacts on health and quality of life;
- mitigate and minimise adverse impacts on health and quality of life; and

the Planning Practice Guidance (PPG), published March 2014, provides advice on how to determine the noise impact on development, namely “Local planning authorities’ plan-making and decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. The document goes on to provide a definition for the levels of noise exposure at which an effect may occur:

Significant observed adverse effect level: this is the level of noise exposure above which significant adverse effects on health and quality of life occur.

Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.

No observed effect level: this is the level of noise exposure below which no effect at all on health and quality of life can be detected.

It should be noted that it is appropriate to consider other sources of advice and guidance documents when considering whether new developments would be sensitive to the prevailing acoustic environment as the PPG does not provide any advice with respect to specific noise levels/limits for different sources of noise.

11.18 The noise consultants engaged by the applicant have liaised with the Council's Environmental Health Dept. to confirm the noise criteria for the assessment of road traffic noise from the A120 on the proposed residential development at Oaklands whereby the Council advised the consultants that noise criteria will require the following noise limits for residential properties:

- Bedrooms (night-time - 2300 hrs – 0700 hrs) 30 dB LAeq (individual noise events should not normally exceed 45 dB L_{Amax,F} by more than 15 times)
- Living rooms (daytime - 0700 hrs – 2300 hrs) 35 dB LAeq
- Gardens and terraces (daytime) 55 dB LAeq”

It was also confirmed by the Council that;

“If the internal noise limits can only be achieved with closed windows then alternative means of both whole dwelling and purge ventilation should be provided to allow residents to occupy the properties at all times with windows closed, having regard to thermal comfort. Detailed information on the construction of the building envelope should be proposed, together with supporting calculations in accordance with Appendix G.2.1 of BS 8233:2014. Accompanying this information, we would also require robust ventilation measures that will provide sufficient ventilation to all living areas, including bedrooms and living rooms to negate the need to open windows. We would expect to see mechanical whole house systems to include intake and extract ventilation at this location. In respect of external noise levels, details are to be submitted including “the position, design, height and materials of any acoustic barrier proposed, along with calculations of the barrier attenuation.””

11.19 UDC’s external noise level criterion is 55 dB LAeq,16hr. The submitted noise impact assessment assessed likely road noise from the A120 at the receptor locations (house plots) within the external garden areas of the site. The results indicated that external garden areas for the majority of the house plots would be below 55 dB LAeq,16hr when the noise levels were assessed against the external noise criteria set out in the UDC noise criteria, the exceptions being Plots 21, 22, 24 and 25 at 56 dB LAeq 16hr, i.e. at 1 dB over (56 dB).

The Noise Impact Statement by Accon states the following based upon the above findings and other noise calculations to assess the noise impact on the proposed development:

“The results of the external noise assessment indicated that the majority of garden areas would achieve the external noise criterion set by Uttlesford District Council. Environmental noise barriers have been proposed around the perimeter of the site to provide further screening to Plot 21, Plot 22 and Plots 24 and 25 to ensure that a reasonable proportion of these garden areas achieve the external noise criterion. The results of the internal noise assessment indicate that all of the habitable rooms will achieve the internal noise level criteria set by Uttlesford District Council with the provision of different glazing and ventilation specifications with increasing sound reduction properties. Consideration has also been given to the impact of ventilation on internal noise levels, particularly in respect of thermal comfort cooling, and it has been identified that a number of plots will require an alternative means of ventilation such as a PIV system. The PIV system would be designed to prevent the need to open windows in order to provide thermal comfort cooling whilst still maintaining a reasonable internal noise level. Achievement of the target noise criteria will ensure compliance with

the aims of the NPPF and the PPG in that it will avoid noise from giving rise to significant adverse impacts on health or quality of life for future occupiers of the proposed development. This assessment has utilised the principles of Good Acoustic Design as identified in the recently published document “ProPG: Planning and Noise: Professional Practice Guidance on Planning and Noise – New Residential Development, May 2017”.

- 11.20 The noise findings have been examined by the Council's EHO who has advised in his consultation response that the recommended acoustic measures set out in the noise report are acceptable subject to these measures being conditioned. The proposal would therefore comply with the NPPF and ULP Policy ENV10 subject to compliance with these conditions.

Air Quality

- 11.21 The Council's Environmental Health Officer has advised that the proposed development would not be significantly impacted by air pollution from the adjacent A120 for the reasons set out in the consultation response in this report and no objections are therefore raised under ULP Policy ENV13.

B Access

- 11.22 The proposed development would have a 6.0m shared surface internal service road to serve the new dwellings and would involve the creation of a new bell-mouth junction onto the B184 Ongar Road. The application is accompanied by a Stage 1 Safety Audit which identifies the following highway observations/proposed highway measures to be incorporated into the scheme:

- A new 6.0m wide access on the southern side of Ongar Road;
- The provision of a raised table within the new access leading into a 6.0m shared surface carriageway;
- The provision of an uncontrolled pedestrian crossing facility with dropped kerbs and tactile paving on Ongar Road, east of the proposed access;
- The provision of a new 2.0m wide footway on the eastern side of the new access connecting the southern aspect of the pedestrian crossing to the shared carriageway within the development
- Associated road markings.

- 11.23 The safety audit has been assessed by ECC Highways who have not raised any objections to the audit subject to the proposed dropped kerb/pedestrian crossing point across Ongar Road shown east of the proposed site access for the development being highway conditioned where the details of this proposed crossing and other works/measures can be dealt with at detailed audit design stage. As such, there is no requirement for any of these works/measures to be subject to inclusion within a S106 Agreement. Furthermore, ECC Highways have expressed that they are happy with the tracking details supplied by the applicant showing that refuse vehicles will be able to successfully enter the site and to pass each other along the 6m carriageway within the site. Accordingly, ECC Highways have advised that the impact of the proposal is acceptable from a highway and transportation perspective subject to recommended highway conditions. The proposal therefore complies with ULP Policy GEN1.

C Design

- 11.24 The 25 dwelling scheme submitted for Oaklands would have a net housing

density of 23.5 dph, compared to a net density of 30.6 dph for the Taylor Wimpey site at Ongar Road South and 23.6 dph for the Redrow Homes site at Ongar Road North. As such, the density of the site would be low compared to previously set and now unused density standards and comparable in density to Ongar Road North. The dwellings shown for the development would be a mix of single storey, 2 storey and 2½ storey height units with a predominance of 2 storey and would have traditional designs and external finishes. The scale of dwellings shown across the development is considered acceptable where the 3 no. 2½ storey height dwellings would be positioned for the front and interior of the site and where the 2½ storey dwelling shown for Plot 2 at the front would be sufficiently set back from the road behind the frontage pond at 53m depth so as to not have a dominating effect on the streetscene.

11.25 All of the dwellings would have rear garden amenity sizes meeting or exceeding the minimum recommended standards as set out in the Essex Design Guide and would have back to back distances exceeding 25m where this principle would need to be applied and, in the main, dwelling to boundary distances of 15m. As such, the development has a reasonably relaxed layout as demonstrated by its density figure. The applicant has stated that the road surface would be to adoptable standards, albeit that the road would not be conveyed over for highways adoption and would be privately maintained. However, dust carts and emergency vehicles would be able to access the development.

11.26 The proposed site layout is shown without the provision of any children's play space whereby the amenity pond at the front of the site could not be treated as such, although could nonetheless provide some site interest as an existing on-site natural asset to children on the proposed development were this provision to be properly managed.

P71 of the GDNP discusses specifically the issue of children's play space where it states that the plan's objective is to serve Great Dunmow with *"a sufficient quantity of high quality and well-maintained play space located within easy walking distance of its populations"* stating that Great Dunmow has a deficit of 5 ha of children's play space where this should be provided at a minimum level of 0.8 ha per 1,000 population (7.3 ha deficit in the South Ward compared to a surplus of 2.1 ha in the North Ward). This section continues saying that *"It is clearly an undesirable position to be in where children need to travel across the town to reach play areas of adequate capacity, and the problem will be exacerbated as the town grows in size"*.

11.27 Notwithstanding the absence of on-site play provision for the proposed scheme, a LEAP is planned for the adjacent Taylor Wimpey site (Ongar Road South), whilst a "trim trail" is proposed for the Redrow site (Ongar Road North) and it is considered from this that the future existence of these nearby play facilities within walking distance of the site along Ongar Road would provide adequate local play-space and would negate the need for on-site play provision for this proposed smaller residential site scheme by way of comparison where this ought to reduce the need for children to be taken across the town to play-space facilities provided elsewhere. In addition, the rear amenity spaces shown for the dwellings, including the affordable units located to the rear are generous under EDG amenity standards relative to their bedroom sizes and therefore would offer it is contended adequate on-site play space.

11.28 In the circumstances, no design objections are raised to the scheme under ULP Policy GEN2.

D Housing Mix

- 11.29 The development would have a good mix of housing units between 2, 3, 4 and 5 bed dwellings (2 bed x 8.no, 3 bed x 10.no, 4 bed x 2.no, and 5 bed x 5.no.). The nominated wheelchair accessible units would be the handed bungalows shown for Plots 22 and 23 towards the front of the site ($25 \times 5\% = 1.25$ units) where the applicant's agent has stated that he is happy to provide these units as a pair. The positioning of these dwellings near to the front of the site would therefore be advantageous for the future occupants of these dwellings. It is considered from this housing mix that the proposal would comply with ULP Policy H10 and be in general conformity with the latest housing needs evidence base.

E Affordable Housing

- 11.30 The proposed scheme is shown with a 40% affordable housing element comprising 10 affordable units ($25 \times 40\% = 10$ units). The affordable housing is shown predominantly within the south-west corner of the site, although not within totally a single cluster whereby two affordable units (Plots 24/25) are included at the very front of the site by way of contrast and two pairs of market dwellings are situated beyond the affordable units at the site's eastern end thereby effectively "bookending" the affordable section to provide more inclusiveness within the site scheme as a whole. The applicant has indicated the tenure split for the affordable housing element at 40% shared ownership and 60% rented, although the precise tenure split would be subject to future discussion with the Council/RSL's as part of any S106 agreement. No objections have been received in principle to the affordable housing element of the scheme from the Council's Housing Enabling Officer and it is considered that the proposal would comply with ULP Policy H9.

F Parking Standards

- 11.31 Parking for the site would be in the form of both garaged and hardstanding parking or a combination of both. The development would have the appropriate UDC parking ratio requirement per dwelling, including the affordable units, with some market dwellings exceeding the minimum parking standards, whilst all of the garages shown would be at 7m x 3m size and hardstandings would be at 5.5m x 2.9m bay size to meet ECC Highway standards. 7 no. visitor spaces are shown for the mid to lower end of the development where this visitor provision would be more desirable and meets the ECC Highway visitor parking ratio of 0.25 spaces per dwelling ($25 \times 0.25 = 6.25$). Whilst it is noted that six plots have tandem parking, (Plots 6, 7, 8, 9, 22 and 23), these plots are not positioned on the frontage section of the internal service road, whilst two plots are situated on a spur. Given this internal site arrangement, this would not cause internal inconvenience to other users of the service road. No objections are therefore raised to the proposal under ULP Policy GEN8.

G Impact on residential amenity

- 11.32 The site is divided from the Taylor Wimpey site to the immediate east by a long drainage ditch and adjacent parallel bridleway whereby the proposed dwellings for the Oaklands site would be separated from this adjacent housing development by a 10m band strip running the entire depth of the site. The rear facing dwellings shown for the Taylor Wimpey site running down along this dividing strip would be located no nearer than 25m from the nearest rear facing

dwelling for the proposed development (Plot 5) with the other three dwellings shown on this side being flank facing. No amenity issues would therefore arise for the nearest occupants of the Taylor Wimpey development. The pair of two storey affordable units at the front end of the site would stand 4m away from the side boundary with Brick Kiln. However, this separation distance would ensure that any amenity loss to this adjacent dwelling would not be significant. The bungalow shown for Plot 22 would stand behind the rear garden of Brick Kiln. However, Brick Kiln enjoys a generous sized rear garden, whilst the single storey nature of the proposed dwelling for Plot 22 and appropriate boundary screening would ensure that any amenity loss to this property would also not be significant. The bungalow for Plot 22 would also stand 2.5m from the side boundary with Tiggers. However, again this separation distance would ensure that any amenity loss to this adjacent dwelling would not be significant.

- 11.33 Intra-amenity between dwellings on the development would be reasonable to good where obscure glazing is shown for those windows which could otherwise lead to overlooking and loss of privacy to adjacent occupiers. No amenity objections are therefore raised to the proposal under ULP Policy GEN2.

H Impact on trees

- 11.34 The front of the site around the pond contains a canopy of established trees with three trees being subject to a TPO whereby this tree grouping helps to define the attractive frontage setting. Some trees have been identified in the accompanying tree survey report as being in either fair or good condition, whilst others are considered to be of lesser amenity value. The survey report, arboricultural report and tree protection measures scheme have been examined by the Council's Landscape Officer who has advised that the submitted tree protection measures are considered to be appropriate and that two trees in good condition (Hornbeam and Lime) are not considered to be of significant amenity value in terms of the wider landscape. No landscaping objections have accordingly been raised to the development, subject to conditions requiring the tree protection measures for trees to be retained to be implemented in accordance with the recommendations, as set out in the D F Clark Bionomique Ltd's Arboricultural Impact Assessment dated 24.05.2017 (rev A) and the submission for approval of a fully detailed scheme of landscaping. As such, the proposal would accord with ULP Policy ENV3.

I Impact on protected and priority species

- 11.35 A detailed ecology report has been prepared for the proposal (AA Environmental Ltd, July 2017) along with a separate technical report relating to GCN's. The main ecology survey found that the site does not contain any natural habitats conducive to protected or priority species, namely bats, badgers or herpetofauna (reptiles and GCN's) and no evidence of these species was found at the site. The frontage pond has been found not to be an ideal terrestrial habitat for GCN's, notwithstanding that a low population of GCN's was recorded in the pond in 2011, hence the additional GCN report carried out to verify this latest negative finding. The report recommends various bio-diversity enhancements for the proposed scheme and also recommends that site clearance works are carried out adopting Reasonable Avoidance Measures, at the appropriate time of the calendar year under qualified supervision when GCN's are fully active, as a precautionary principle for this protected species and attaches a method statement for the works for reference.

- 11.36 ECC Ecology have commented on the submitted ecology information and have not raised any objections subject to appropriate conditions. The proposal would therefore comply with ULP Policy GEN7.

J Impact on Sites of Archaeological Importance

- 11.37 Recent archaeological excavations carried out on the Ongar Road North site have revealed the remains of a late Iron Age and Roman settlement. Archaeological remains relating to the old Roman road leading from Great Dunmow towards Harlow would also be impacted by the development. ECC Archaeology have recommended an extensive archaeological condition so that any archaeological deposits may be identified and recorded prior to any development works proceeding (ULP Policy ENV4).

12. CONCLUSION

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

- A** The proposal would amount to a presumption in favour of sustainable development, would not constitute a flood risk, would not have a significantly harmful impact on landscape character, external noise impacts can be mitigated by condition and air pollution would not be significant.
- B** Access arrangements for the development would be acceptable.
- C** The design of the housing scheme would be acceptable.
- D** The housing mix would be acceptable.
- E** 40% affordable housing provision would be provided.
- F** Resident parking would meet ECC and UDC parking standards.
- G** The development would not have a significant impact on residential amenity.
- H** Tree impacts would be mitigated by tree protection measures.
- I** The development would not have a harmful impact on protected species.
- J** Facilities for archaeological field research would be secured by planning condition.

RECOMMENDATION – S106 Agreement APPROVAL WITH CONDITIONS

- (I) The applicant be informed that the committee be minded to refuse planning permission for the reasons set out in paragraph (III) below unless by 14 April 2018 the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991 in a form to be prepared by the Head of Legal Services, in which case he shall be authorised to conclude an agreement to secure the following:**
 - (i) Provision of affordable housing**
 - (ii) Primary school education contribution**
 - (iii) Maintenance of SsDS**
 - (iv) Pay the Council's reasonable legal costs**
 - (v) Pay the monitoring fee**
- (II) In the event of such an agreement 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 agreement, the Assistant Director Planning shall be authorised to refuse permission at his**

discretion at any time thereafter for the following reason:

- (i) Non-provision of affordable housing**
- (ii) Non-payment of Primary school education contribution**
- (iii) Non maintenance of SuDS**

Conditions

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

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

2. Prior to the commencement of development, with the exception of footings and foundations, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) proposed finished levels [earthworks to be carried out]
- b) means of enclosure
- c) car parking layout
- d) vehicle and pedestrian access and circulation areas
- e) hard surfacing, other hard landscape features and materials
- f) existing trees, hedges or other soft features to be retained
- g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- j) location of service runs
- k) management and maintenance details

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with ULP Policies GEN2, GEN7, ENV3, ENV7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the development hereby granted can be properly assimilated into the local landscape by appropriate landscape mitigation measures.

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

variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with ULP Policies GEN2, GEN7, ENV3, ENV7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

4. Tree protection measures for those trees to be retained shall be implemented in accordance with the recommendations as set out in the Arboricultural Impact Assessment prepared by D F Clark Bionomique Ltd dated 24.05.2017 (rev A).

REASON: To ensure that the important landscape features of the site are protected and not prejudiced by the development hereby approved in accordance with ULP Policies GEN2, GEN7, ENV3, ENV7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

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

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

6. Prior to occupation of any dwelling, the provision of an access formed at right angles to Ongar Road, as shown in principle on drawing no. 2015-725-002 Rev F, to include but not limited to: minimum 6 metre carriageway width with a 2 metre wide footway to the east of the access tapering into the shared surface, and a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres, in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

7. Prior to occupation of any of the proposed dwellings, the provision of a dropped kerb pedestrian crossing across Ongar Road shall be provided east of the proposed site access, as shown in principle on drawing no. 2015-725-002 Rev E.

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

8. No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

9. The cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.

REASON: To ensure appropriate bicycle parking is provided in accordance with ULP Policy GEN8 of the Uttlesford Local Plan (adopted 2005).

10. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

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:

- Discharge rates limited to 1.5l/s from the site 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. Provision in storage should also be made for the effect of urban creep and have a suitable half-drain time.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all run-off 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.

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 and to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with the NPPF and ULP Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

12. No works shall take place until a scheme to minimise the risk of off-site 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 in accordance with ULP Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

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

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

14. No development shall take place until a scheme for protecting the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the local planning authority. The scheme shall follow the recommendations identified in the Accon UK Ltd report (Ref:A3035/N/001) dated 14th July 2017. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

REASON: To protect the amenity of future occupiers of the development in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

15. 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

16. All ecological measures and/or works shall be carried out in accordance with the details contained within the Ecology Statement (AAE Environmental Consultants, 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

REASON: In the interests of conserving biodiversity in accordance with the National Planning Policy Framework and ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

17. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal Japanese knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

REASON: In compliance with Schedule 9 of the Wildlife and Countryside Act and in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005)

18. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the

development. The content of the LEMP shall include the following.

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

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (*where the results from monitoring show that conservation aims and objectives of the LEMP are not being met*) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: To ensure that some form of covenant is in place to ensure that the management body that takes on long-term responsibility for implementation of the LEMP (management of the ecological areas) is to do so in strict accordance with the details contained therein in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

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

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

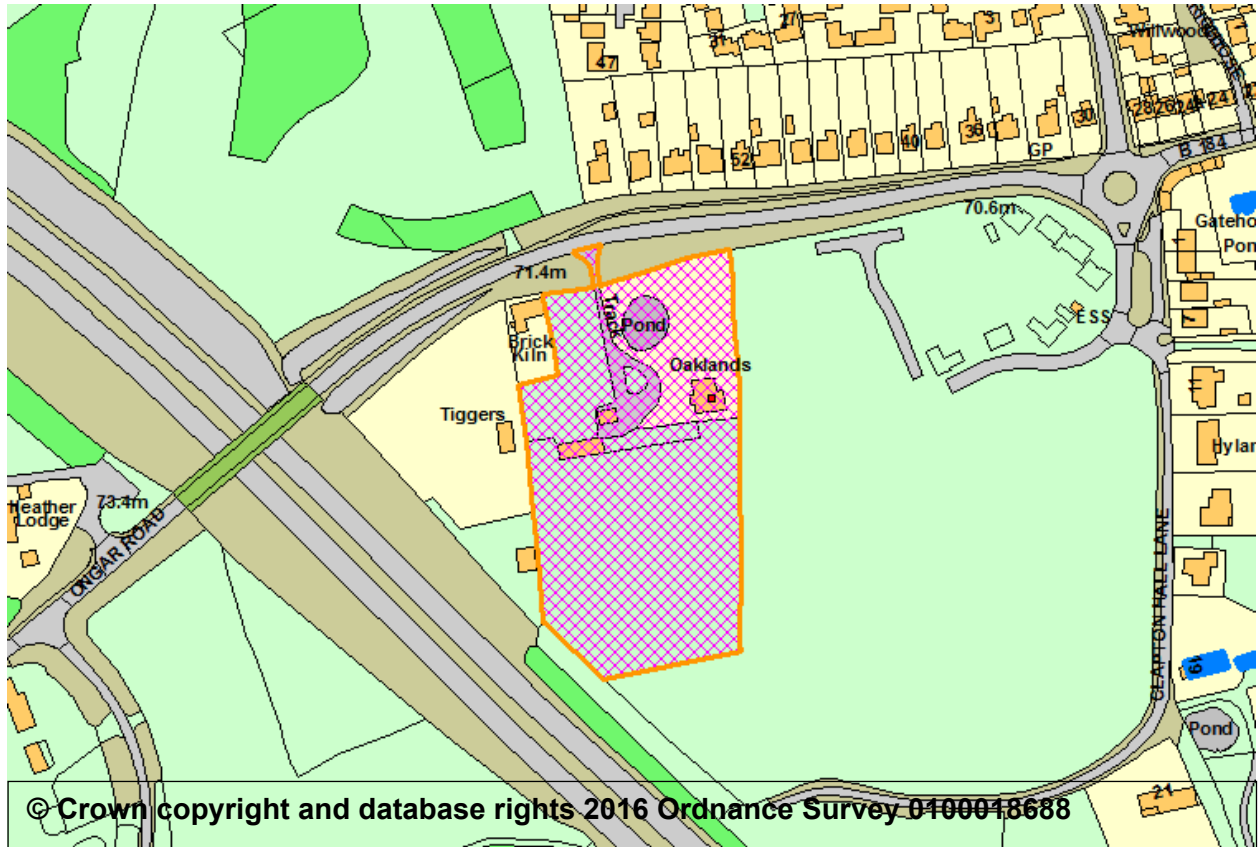
No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environmental advisors.

The applicant shall submit to the local planning authority a post-excavation assessment to be submitted within three months of the completion of the fieldwork unless otherwise agree in advance with the local planning authority. This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum and submission of a publication report.

REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with ULP Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

Application: UTT/17/2238/FUL

Address: Oaklands, Ongar Road, Great Dunmow



Organisation: Uttlesford District Council

Department: Planning

Date: 2 March 2018

UTT/17/2352/FUL – (BIRCHANGER)

(Called in by Cllr Terry Farthing on highway safety grounds)

PROPOSAL: Creation of new HGV exit onto A1250 and associated works

LOCATION: Welcome Break Service Station, Dunmow Road, Birchanger

APPLICANT: Mr R McKie

AGENT: Mrs J Smith

EXPIRY DATE: 26 October 2017 – EOT 11 May 2018

CASE OFFICER: Karen Denmark

1. NOTATION

1.1 Metropolitan Green Belt.

2. DESCRIPTION OF SITE

2.1 The application site forms part of the motorway service area known as Welcome Break - Birchanger Green. The majority of the land is currently the car park to Days Inn hotel. There is a thick band of hedging adjacent to the highway verge onto the A1250.

3. PROPOSAL

3.1 The proposal relates to the creation of a new exit point onto the A1250 for HGVs. This would involve the revision to the layout of the Days Inn hotel car park, alterations to the internal road layout to create the new exit point, together with the removal of the boundary hedging and alterations to the road layout and markings on the A1250.

3.2 The junction would be signalled from the motorway service area (MSA) onto the A1250. The engineering operation required to deliver this consists of removing a small amount of landscaped earth and planting and the surfacing of the area between an existing internal road and the A1250 (approximately 25 metres). The exit will be for HGVs only and will not be used during less busy periods.

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

And

Human Rights Act considerations:

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

5. APPLICANT'S CASE

5.1 The application is accompanied by a Transport Assessment, Planning Statement and Biodiversity Questionnaire.

5.2 Conclusions of Planning Statement:

- A new location for a second exit has been determined following discussion with Essex County Council. This avoids the creation of a new exit onto the A120 and does not create direct access onto the motorway over-roundabout at Junction 8, M11. The application has now held detailed discussions over the period since 2014 in creation to the revised timing of signals onto the Junction 8 roundabout. Highways England have confirmed that they are not able to give the MSA any additional green time to alleviate queuing and congestion within the site. Welcome Break sought planning permission in 2014 for the widening of the exit lanes onto Junction 8 to create additional capacity at the exit to the site. This approach was also rejected by Highways England and Essex County Council but the local planning authority (LPA) did approve internal alterations including revised signage and lane marking in an attempt to create additional capacity within the site. Welcome Break have implemented these changes, and have found that traffic queuing within the site has not been alleviated. Congestion remains, and it still results in an hour long queue to exit the site at peak times.
- It is this impact on highway safety as a result of the MSA not fulfilling its function that forms the basis for the 'very special circumstances' case if the LPA do not consider that the application can be considered as appropriate development under Paragraph 90 of the NPPF. The applicant argues that the development should first be considered under Paragraph 90 either as an engineering operation or a local transport proposal where there would be no impact on the openness of the Green Belt due to the size of the development and its location in respect of existing development. The proposed development would not conflict with the main purposes of the Green Belt. If the LPA consider that the proposal is inappropriate development, then the applicant considers that the 'very special circumstances' have been demonstrated that would overcome the normal presumption against development in the Green Belt. The harm caused by the scheme would be very limited, and the proposed benefits in terms of the improvement to traffic circulation and highway safety function of the MSA would outweigh any harm. The Transport Assessment that forms part of this planning application concludes that any impact on the existing junctions would only occur in 2033 when they would be operating marginally beyond their theoretical thresholds. With the proposed changes to these location junctions, this development would not impede those developments.
- As such the applicant considers that the development is acceptable in all respects, and requests that the planning authority issues planning permission accordingly.

5.3 Summary and conclusions of Transport Assessment:

- The second exit is required to alleviate pressure on the existing exit that fronts on to the M11 Junction 8, which currently causes significant delays to motorists leaving the site. Whilst Welcome Break is private entity and has a commercial interest in securing the second exit, it should be noted that the MSA offers a rest area for motorists travelling along the strategic road network. The level of

delays experienced at this site is deemed to be severe enough to discourage motorists from using this as a rest stop, potentially resulting in drivers' exceeding their recommended driving time, which could ultimately pose a road safety risk.

- The proposed second exit would be positioned on the MSA's north western side and connect with the A1250 Dunmow Road by way of a traffic signal controlled junction. The exit lane will route to the south of the Day's Inn Hotel, through the hotel's parking area. A revised car park would be positioned to the south of the exit lane and the overall provision would remain policy compliant.
- The signalised junction will incorporate pedestrian crossing facilities across the exit arm and the A1250 Dunmow Road (northern arm), offering improved crossing facilities to a bus stop positioned on the carriageway's northern side.
- A speed survey was undertaken at the proposed exit location, which confirmed the 85th percentile speeds were 35.7mph westbound and 30.3mph eastbound. Subsequently, the signalised junction has been designed based on a 40mph 85th percentile speed, and whilst the proposed junction is located on a section of carriageway that is subject to the national speed limit, no speed reduction measures are deemed necessary.
- Through liaison with ECC, it was agreed that the second exit would serve local traffic and HGVs only. Appropriate signage will be positioned across the site to ensure drivers are directed towards the correct exit.
- Highway capacity assessments have been undertaken to assess how the reassigned traffic from the MSA would impact on neighbouring junctions. The assessments have utilised approved junction models obtained from ECC and have been examined using traffic flows extracted from ECC's strategic traffic model.
- The assessments have illustrated that the development proposals would not have a material impact on the local highway network, but that by 2033 under the baseline traffic flow scenario both the A120 / A1250 Dunmow Road and M11 Junction 8 roundabouts would be operating marginally beyond their theoretical thresholds.
- The Council have provided plans which demonstrate their proposals to upgrade the A120 / A1250 Dunmow Road roundabout and widen the A120 western approach to the M11 Junction 8. The modelling results presented within this TA, have confirmed the Council's proposals will improve these junctions capacity and that the proposed second exit junction would not impede the proposed improvements.
- It is therefore considered that the local Highway Authority and Highways England should have sufficient information to conclude that in line with the National Planning Policy Framework the development proposals would 'not have a detrimental effect on highway safety and capacity'.

6. RELEVANT SITE HISTORY

6.1 Whilst the MSA has a lengthy planning history it is considered that the following applications are of relevance:

- UTT/1125/10/FUL: Construction of new exit from Birchanger Green Service Area onto A120 roundabout. Additional 84 no. car parking spaces. Refused on basis of inappropriate development in Green Belt, detrimental to highway safety, doesn't satisfactorily demonstrate need for development.
- UTT/14/3699/FUL: Re-arrangement of part of MSA car and caravan park to provide new parking and the widening of the existing internal circulation road. Approved 25 May 2015.

7. POLICIES

Uttlesford Local Plan (2005)

- 7.1 Policy S6 – Metropolitan Green Belt
Policy GEN1 – Access
Policy GEN4 – Good Neighbourliness
Policy GEN7 – Nature Conservation

National Policies

- 7.2 National Planning Policy Framework
Planning Policy Guidance
Department for Transport Circular 02/2013, The Strategic Road Network and the Delivery of Sustainable Development

8. PARISH COUNCIL COMMENTS

- 8.1 Opposed for following reasons:

- Will not improve traffic flow to justify invasion of Green Belt
- Will only benefit a few lorries travelling west on A120
- Too much traffic already uses Junction 8
- More routes need to be directed away from junction with underpasses or another services on other side of roundabout
- A1250 subject to long delays at peak times
- Another set of traffic lights will only exacerbate the existing situation
- UDC should reject this scheme
- Disagree strongly with conclusion that proposed changes will have no material impact on the local highway network
- Model based on 2011 and updated in July 2014 when traffic will be quieter
- Significant amount of new housing built in surrounding area which does not appear to be in baseline assessment
- Not clear whether various large settlements which are planned to be built are included in model assumptions
- Concerns proposals will result in more delays to local traffic
- Amount of green light time should be increased when delays occur
- Models should be accurate and up to date
- Will not help with driver safety or any economic arguments made by applicant

9. CONSULTATIONS

Highways England

- 9.1 20.9.17: The formation of an exit would appear contrary to policy laid out in DFT Circular 02/2013. We are in the process of raising this with DFT and we will not be able to formally respond until we have had a decision on whether or not the policy applies or the minister approves the proposal. I would hope this will take no more than a few weeks and therefore formally request you do not make a formal decision upon the application until the 3 November 2017.

3.11.17: The provision of a rear access is considered against policy laid out in DFT Circular 02/2013 and we are currently seeking a departure and until this

process is completed and DFT have given a decision I am unable to give a formal response.

12.2.18: Offer no objection.

Department for Transport

- 9.2
- The Secretary of State has seen the proposal for the new 2nd exit from Birchanger Green services at junction 8 on the M11.
 - He has considered whether there is a case for a Departure based on the fact that the proposal is for a restricted rear exit from the MSA. The Circular does not allow connections to the motorway and while this is an exit there is still a physical link to the motorway albeit one way.
 - He has determined that the exit does constitute a connection to the motorway. As the exit does not fall within the restricted categories set out in the Circular at paragraph B 23, the case for a Departure must be made.
 - He has looked at the intention of the policy and the need to maintain the safe and efficient running of the motorway.
 - He has considered the impacts and benefits the exit would have on the operation of the M11 motorway and at the junction 8 roundabout connecting the M11 with the A120.
 - He has also taken into account the wider scheme led by Essex County Council which includes other works to improve the operation of this junction in conjunction with the new exit. This scheme has demonstrated that it would improve the access and exit to the services, allowing traffic to flow through the site, reducing tailbacks at the junction and on the M11 exit slips.
 - He has also taken into consideration that Highway England have also assessed the potential impacts of the proposed new exit and that they support the proposal as it has an overall benefit for the motorway.
 - On balance he considers that a Departure from Circular 02/13 allowing the new exit as set out in the proposal would benefit the safety of drivers and operation of the motorway at this junction.

Essex County Council Highways

- 9.3
- This application has been thoroughly assessed by the Highway Authority in relation to the current operation of Junction 8 M11 and a future proposal for capacity improvements at this junction. The application will not adversely impact on those capacity improvements and the Transport Assessment is considered to be robust in its analysis. The proposal has been subject to a safety audit and adjustments to the design were made in response to this and to the initial specialist comments from Essex Highways and these are now reflected in the revised submitted plans.

The application is directly on the border with Hertfordshire and the comments made by that Authority in terms of the impact on the town centre have been taken into account in the recommendation. This is in the form of an obligation to monitor the junction and make adjustments as required if the impact on the town centre is greater than expected. These adjustments could include banning of the left hand turn or limiting it to HGV egress only and would be implemented (if necessary) following the assessment of the data. In addition, Essex Highways will control the signals as part of the local network to ensure its efficiency.

From a highway and transportation perspective the impact of the proposal is

acceptable to the Highway Authority subject to mitigation and conditions.

Hertfordshire County Council

- 9.4 Although Hertfordshire County Council is not the Highway Authority for this application, it is noted that the application will involve vehicles from the MSA leaving onto the A1250. To the south-west the A1250 provides a link into Bishop's Stortford (which is within East Hertfordshire District Council). HCC would have some concern with additional traffic travelling into Bishop's Stortford on the A1250, in particular passing through the Hockerill junction, the latter which experiences air quality and congestion issues.

It is noted that the proposal is purely to assist access from the MSA junction. At M11 junction 8, the main impact is an improvement in capacity and reduction in queuing and delay at the MSA exit. However, the operation of the A120/A1250 junction is reduced in performance.

HCC has examined the modelling work presented within the TA and are content that it appears robust in terms of the inputs and findings.

Of particular interest to HCC is that the TA assumes that all HGVs would exit the MSA and then turn right towards the A120 junction, whereas other vehicles are deemed to be local trips and would turn left towards Bishop's Stortford.

There are predicted to be around 30 vehicles turning left in the AM peak and 50 turning left in the PM peak. The Hockerill junction which is an AQMA is at capacity in the future year on both A1250 arms. The TA assumes that these are trips which would have previously turned left at the A120/A1250 junction so that they would not be additional trips on Dunmow Road itself. However, there is a risk that by opening up a new 'through route' through the MSA site additional traffic could be attracted to run through it (to avoid delays at the A120/A1250 roundabout) and there will need to be careful design within the wider MSA site to prevent this happening.

Given the above concern, that exiting trips from the MSA may turn left towards Bishop's Stortford (as a through route or short cut), HCC recommend that the Highway Authority consider a planning condition which monitors the operation of the proposed junction. HCC would not wish to see a through route established which could lead to trips routing into Bishop's Stortford via the A1250, as opposed to the A120 from the M11. As such, HCC request that the planning authority give consideration to monitoring the proposed exit junction, including potential inclusion in a s106 agreement. Although HCC is presently content with the modelling work used to evidence the operation of the proposed changes, should it become apparent that the junction is being used as a through route for traffic travelling towards Bishop's Stortford, it may be necessary to consider a banned left-turn movement.

East Herts Council

- 9.5 Object. It is considered that the proposed access would encourage vehicles to turn left and travel along Dunmow Road and through the centre of Bishop's Stortford, rather than round the town using the A120 ring road. This would result in increased traffic movements along Dunmow Road and through the centre of Bishop's Stortford which already experiences congestion at peak times. The proposal would also increase traffic using the Hockerill junction which is

designated as an air quality management area (AQMA). I can find no reference in the documents submitted with the application to the AQMA and the impact of the increase in traffic on this area. The only identified way to improve air quality at this junction is to reduce the amount of traffic that passes through it. The proposal would therefore be in direct conflict with the actions identified in the 2017 Air Quality Annual Status Report and Policy EQ4 of the emerging District Plan.

Environmental Health Officer

- 9.6 No noise report has been submitted with this application, however, based on the proposals and location one is not considered necessary. The area where the proposed exit is situated is a mixture of commercial and industrial premises with residential units a little more distant on the A1250 in East Herts District Council area. Environmental Health raised no objection to the previous proposed scheme. I therefore have no objections to the proposals.

NATS Safeguarding

- 9.7 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.

London Stansted Airport

- 9.8 The proposed development has been examined for aerodrome safeguarding and, as the construction phase may result in large areas of earthworks for a short time, this may provide an attractive exploitable food resource for hazardous birds such as corvids and gulls. Therefore, we request a Bird Hazard Management Plan (BHMP) for the construction period to minimise the attraction to hazardous birds.

The details supplied make no mention of any SUDS provision or landscaping associated with the scheme. It may be that there are none planned, or that these features will be determined later. Any SUDS feature or landscaping at this distance from the airport have the potential to provide an attraction for hazardous birds, and thus to impact on the birdstrike risk at Stansted so we request sight of these as soon as possible.

Environment Agency

- 9.9 We have reviewed the application and supporting documents and would advise the Council we would have no objection to the development proposal.

10. REPRESENTATIONS

- 10.1 Thirty five letters of representation have been received making points as follows:

Diverts traffic to secondary road network
Dunmow Road is heavily congested in AM and PM peaks
Roads in Bishop's Stortford subject to weight restrictions
Concerned proposals will encourage more drivers to take this route as a short cut rather than using A120 bypass
Will make worse air pollution at the Hockerill crossroads AQMA
Any new exit should join A120 and not A1250
Will result in westbound traffic backing up to M11 interchange and probably

gridlock the roundabout
 Will affect employees, members and guests trying to access Golf Club
 Seriously affect the operation of companies in Woodside Industrial Estate and the
 GU factory in Dunmow Road
 Serious impacts on road safety particularly into areas of school children
 Ask you to refuse on health, environmental, traffic and safety issues
 No proof proposals will improve driver's safety
 Traffic regularly speeds in this area
 Commercial interests of service station should not outweigh the negative impact
 on traffic, pollution and safety
 Proposal disregards other approved development in the area that will add further
 impact traffic on Dunmow Road
 Services should be "moved" north or south of junction 8
 Inaccurate description of development – does not include the pedestrian crossings
 and relocation of bus stops
 Benefits of pedestrian crossings overstated
 Will be used as a cut-through during peak times
 Assumptions in relation to LGVs not substantiated
 Requires delivery of other road infrastructure improvements
 Contrary to Policy GEN1 and paragraph 32 of the NPPF

10.2 Bishop's Stortford Town Council object.

1. Result unnecessarily in increased HGV traffic on Dunmow Road, which is already congested
2. Encourage HGVs unnecessarily to use narrow streets in the Town in preference to the bypass
3. Encourage HGVs to travel unnecessarily through the AQMA at Hockerill lights, the pollution levels at which exceed legal limits.

11. APPRAISAL

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

- A Green Belt (ULP Policy S6; NPPF)
- B Highway safety (ULP Policy GEN1; NPPF)
- C Noise and disturbance (ULP Policy GEN4)
- D Ecology (ULP Policy GEN7; NPPF)
- E AQMA issues (NPPF)

A Green Belt (ULP Policy S6; NPPF)

11.1 The site is located within the Metropolitan Green Belt. The National Planning Policy Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness. One of the purposes of including land within the Green Belt is to safeguard the countryside from encroachment. Substantial weight is required to be given to any harm to the Green Belt. Paragraphs 89 and 90 of the NPPF set out exceptions for types of development that may be considered appropriate to the Green Belt. This includes, at Paragraph 90, the provision of *"local transport infrastructure which can demonstrate a requirement for a Green Belt location"*.

11.2 The service station has been constructed within the Green Belt and the surrounding area is covered by this designation. Previous proposals for the

creation of an additional exit have been considered inappropriate development in the Green Belt. The application submitted under reference UTT/1125/10/FUL was for an additional arm onto the roundabout resulting in substantial works in the area. This was considered under the now defunct PPG2: Green Belts which set out similar criteria to the current NPPF.

- 11.3 The applicant argues that the proposed development represents an exception to the presumption against inappropriate development in that it relates to local transport infrastructure which, due to the location of the MSA within the Green Belt, requires a Green Belt location. The need is said to arise as a result of significant delays within the MSA due to vehicles not being able to exit onto the strategic road network. The reasons for the delays are volume of traffic, the slowness in HGVs leaving the site and the lack of available “green time” on the traffic lights.
- 11.4 The proposed development would create a separate vehicular exit point for HGVs which would require the removal of a 15m stretch of a landscape bund. The majority of the exit slip road would be created within the existing MSA network and part of the Days Inn car park. The additional length of hardstanding to form the exit road would be approximately 15m in length. The proposed exit point would be into an area currently forming a bus stop on the A1250.
- 11.5 The proposals have been considered by Highways England, Essex County Council Highways Authority and the Secretary of State for Transport and are considered to be necessary in order to alleviate congestion. The Secretary of State, in their response of 9 February 2018, states, “This scheme has demonstrated that it would improve the access and exit to the services, allowing traffic to flow through the site, reducing tailbacks at the junction and on the M11 exit slips.” On this basis, it is considered that the proposals do constitute an exception to inappropriate development as set out in Paragraph 90 of the NPPF.
- 11.6 Therefore, it is necessary to assess whether the proposals preserve the openness of the Green Belt and do no conflict with the purposes of including the land within the designation. The majority of the works within the MSA would be related to the reconfiguration of hard surfaces, although there would be the loss of some vegetation to provide appropriate swept paths for HGVs. However, this would result in negligible impacts on the openness of the Green Belt.
- 11.7 The reconfiguration of the car park for Days Inn would be restricted to the existing hardstanding area. This would result in a loss of parking spaces for the hotel but given the location of the site and other parking availability it is not considered that this would be detrimental.
- 11.8 The location of the exit slip road has been chosen to have the minimal impact on the openness of the Green Belt. Any harm to the Green Belt is inappropriate and therefore it is necessary to consider if there are very special circumstances to justify approving the development.
- 11.9 As set out in paragraph 11.5 above, it is considered that the proposals constitute appropriate development in the countryside. DfT Circular 02/2013 states in Paragraph B2 that all proposals for roadside facilities will be “considered in the context of the National Planning Policy Framework and, in particular, the statement that it includes regarding the primary function of roadside facilities being to support the safety and welfare of the road user”. This will be discussed in greater detail in Section B of the Planning Considerations. However, briefly, the

proposals have been considered acceptable by the statutory consultees as being necessary and appropriate to support the safety and welfare of highway users. On this basis, the proposals are considered appropriate to the Green Belt and in accordance with Policy S6 and the NPPF.

B Highway safety (ULP Policy GEN1; NPPF)

11.10 Paragraph B4 of DfT Circular 02/2013 states:

“Motorway service areas and other roadside facilities perform an important road safety function by providing opportunities for the travelling public to stop and take a break in the course of their journey. Government advice is that motorists should stop and take a break of at least 15 minutes every two hours. Drivers of many commercial and public service vehicles are subject to a regime of statutory breaks and other working time restrictions and these facilities assist in compliance with such requirements.”

11.11 Paragraph 31 of the NPPF states that, *“The primary function of roadside facilities for motorists should be to support the safety and welfare of the road user.”* The concerns raised are that the current layout and the lack of available “green time” at the traffic lights on the exit to the A120/M11 roundabout is resulting in significant congestion problems. This is likely to result in drivers failing to stop and rest. Furthermore, frustrations in attempting to leave the MSA, with delays of up to an hour are considered to adversely impact on the quality of the rest and the onward journey by drivers, potentially restricting the distance they can travel before being required to stop and rest again.

11.12 This proposal has been considered by Essex County Council Highways, as the local highway authority, Hertfordshire County Council Highways, as the immediately adjoining highway authority, and Highways England due to responsibility for the strategic highway network. All three parties raise no objections to the proposals, although it is noted that Hertfordshire County Council has raised some concerns which will be addressed below.

11.13 Unlike previous proposals, this scheme has the support of the relevant highway consultees. Due to limitations set out in DfT Circular 02/2013 Highways England is unable to raise no objections to the proposals without authority from the Secretary of State. The Secretary of State has considered the proposals and has concluded that a Departure from Circular 02/2013 allowing a new exit would benefit the safety of drivers and operation of the motorway at this junction. On this basis, it is considered that the proposals would improve highway safety and are in accordance with Uttlesford Local Plan Policy GEN1.

C Noise and disturbance (ULP Policy GEN4)

11.14 The proposed development would increase noise levels around the Days Inn hotel area given the fact that traffic does not currently pass this part of the hotel. However, given the nature of the site, its location, and the fact that the exit will not be operational outside of peak times, it is not considered that the proposed development would give rise to significant noise and disturbance as to warrant refusal. The proposal therefore complies with Policy GEN4.

D Ecology (ULP Policy GEN7; NPPF)

11.15 Policy GEN7 and paragraph 118 of the NPPF require development proposals to

aim to conserve and enhance biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species.

- 11.16 The application is accompanied by a biodiversity questionnaire. This does not identify any potential risks for protected species or biodiversity. The proposals therefore comply with Policy GEN7 and the NPPF.

E AQMA issues (NPPF)

- 11.17 Concerns have been expressed by East Herts District Council, Hertfordshire County Council and in the representations about potential impacts on the Hockerill AQMA. There is concern that no AQMA Assessment has been submitted with the application.

- 11.18 It is the argument of the applicant, supported by Essex County Council Highways Officer, that the traffic modelling shows the proposed development will not increase traffic on the local roads, rather it will reassign existing traffic to junctions. In response the applicant states:

“The intention of the new junction is to reduce queuing at the exit to the MSA by removing HGVs from the queue. HGVs will be signed towards the new junction and directed to leave to the north (to the right) and not directed towards the town centre. The comments of East Herts DC are irrational in respect of traffic routing - first, HGVs mainly will want to return to the strategic road network (which they will have left) in order to complete their journey (if they travel towards Bishops Stortford it is likely that this is the journey that they are taking in any case); and secondly, due to the likely delays incurred when travelling through Bishops Stortford, traffic would take the quicker (easier) route which is to turn right from the MSA and re-join either the motorway or use the A120 around Bishops Stortford. The purpose of the MSA is to provide drivers with an opportunity to stop and rest. HGV drivers especially have strictly controlled driving times and are limited to driving for 8 hours a day. They therefore want to re-join the strategic road network as quickly as possible to ensure they maximise their driving time. Any time spent queuing reduces over all driving time, and has large economic consequences (recent studies suggest that traffic jams cost the economy more than £9 billion a year).

Any traffic that does turn left from the new junction is likely to undertake this journey in any event. This was discussed in pre-app with Essex CC Highways. The original proposal was for a right hand only junction arrangement and Essex suggested that a left turn could also be made because this is likely to involve limited numbers of vehicles leaving the site. Anyone who knows the MSA and the local area knows that due to congestion within the site, and the low speed of vehicles, it is likely to be quicker to reach the A1250 via the A120 rather than through the site. As a result, the left hand lane was introduced to allow existing local traffic to use this route.”

- 11.19 It is recommended that the junction be monitored so that an accurate picture can be established as to what happens with traffic on leaving the new exit point. If it is found that the modelling is incorrect and that more traffic than anticipated turns towards Bishop’s Stortford and the Hockerill AQMA then mitigation measures can be incorporated into the scheme, which could include banning left hand turns. This can be secured by way of condition if planning permission is granted.

F Other issues

- 11.20 Concerns have been raised in the representations that the description of the proposed development is incorrect in that it does not detail all of the proposed works. Of particular concern are the works relating to the provision of crossings and the moving of bus stops. It should be noted that these elements are works within the public highway and therefore can be carried out under permitted development rights by or on behalf of the statutory undertaker, the Highway Authority. Therefore, these are correctly omitted from the description as they are works not requiring planning permission.

12. CONCLUSION

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

- A** The site is located within the Green Belt and the proposed development relates to works associated with local transport infrastructure which is a form of development which is not inappropriate in the Green Belt, as set out in Paragraph 90 of the NPPF. The impacts would be minimal to the character of the area and are considered to be appropriate.
- B** The proposals are designed to improve highway safety and have the support of the Highway Authority, Highways England and the Secretary of State.
- C** There would not be any significant impacts arising from noise and disturbance.
- D** There would not be any adverse impacts on protected species or biodiversity.
- E** It is not envisaged that there would be an increase in traffic travelling towards Bishop's Stortford and in particular the Hockerill AQMA. Nevertheless, it is recommended a condition be imposed which seeks to monitor the proposed exit point and appropriate remediation measures implemented should this not be the case.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

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

2. No development shall take place until a Bird Hazard Management Plan has been submitted and approved in writing by the local planning authority. The submitted plan shall include details of the management of the site to avoid attraction to hazardous birds such as corvids and gulls. The Bird Hazard Management Plan shall be implemented as approved during the construction works.

REASON: It is necessary to manage the site in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Stansted Airport.

3. No development shall take place until a comprehensive internal signage strategy for the motorway service area has been submitted to and agreed by the local planning authority. The agreed strategy shall be implemented in full before the first use of the new access.

REASON: To ensure appropriate use of the access in the interest of capacity of the local and strategic network and highway safety in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1 (adopted 2005).

4. Six months after the first use of the access hereby approved, a review of the operation of the access arrangements shall take place. This shall be repeated at Year 1 and Year 2 after first use and the results submitted to the highway authority within 4 weeks of each review. The methodology of the review shall be agreed in writing with the highway authority prior to first use of the access and will determine the usage of the junction, and impact on Junction 8 and the local highway network. If deemed necessary by the highway authority a package of measures shall be put in place at the expense of the applicant to include any appropriate Traffic Regulation Orders (TROS), to control traffic movements. The agreed measure(s) shall be implemented within 3 months of the decision for necessary action being made by the highway authority.

REASON: To ensure that operation of the junction functions as predicted in the interest of highway capacity and safety in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1 (adopted 2005).

5. Prior to first use of the access hereby permitted an informal crossing facility shall be provided within the site to facilitate customers crossing from the carpark to the hotel.

REASON: In the interest of pedestrian safety as identified in the submitted Stage 1 Safety Audit and in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1 (adopted 2005).

6. Prior to first use of the access hereby permitted the vehicle parking area indicated on the approved plans for use by customers of the adjacent hotel (Days Inn) shall be hard surfaced, sealed and marked out in parking bays. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the hotel unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN8 (adopted 2005).

7. Prior to first use of the access hereby permitted the forward visibility distances to the signal heads as shown on drawing NTH 178 SK006 P1 shall be provided with a clear to ground visibility, this may require the relocation of advance directional signs, vegetation clearance and/or profiling of the highway adjacent to the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times thereafter.

REASON: To provide adequate visibility on the approach to the junction in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1 (adopted 2005).

8. Prior to the first use of the access hereby approved, the provision of the signalised junction, pedestrian crossing, footway and shared footway/cycleway as show in principle on drawing NTH 178 SK001 Rev 5 to include, but not be limited to, appropriate road reconstruction, high friction surfacing, signing, lighting and queue detecting equipment, in accordance with details which have been submitted to and approved in writing by the local planning authority, in consultation with the Highway Authority.

REASON: In the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1 (adopted 2005).

9. Prior to the first use of the access hereby permitted the provision of the signalised junction, pedestrian crossing, footway and shared footway/cycleway as show in principle on drawing NTH 178 SK001 Rev 5 to include, but not be limited to, appropriate road reconstruction, high friction surfacing, signing, lighting and queue detecting equipment, in accordance with details which have been submitted to and approved in writing by the local planning authority, in consultation with the Highway Authority.

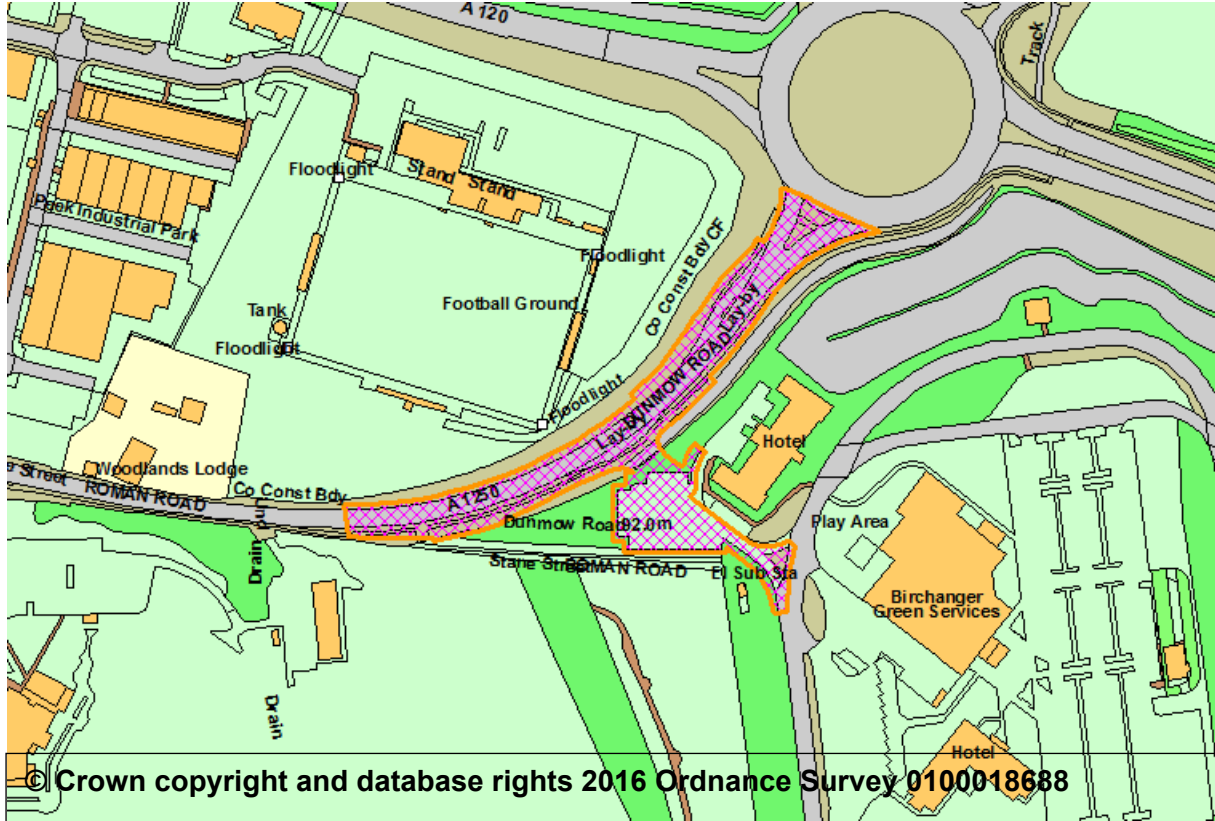
REASON: In the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1 (adopted 2005).

10. Prior to first use of the access hereby permitted the relocation and upgrading of two bus stops, as shown in principles in drawing NTH 178 SK001 Rev 5, which shall comprise (but not be limited to) the following facilities: shelter; seating; raised kerbs; laybys, bus stop markings; flag and timetable casing, in accordance with details which have been submitted to and approved in writing by the local planning authority, in consultation with the Highway Authority.

REASON: To provide convenient access to bus services in accordance with DM7 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1 (adopted 2005).

Application: UTT/17/2352/FUL

Address: Welcome Break Service Station, Dunmow Road, Birchanger



Organisation: Uttlesford District Council

Department: Planning

Date: 2 March 2018

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UTT/17/2961/FUL – (CLAVERING)

(Called in by Cllr Oliver due to impact to highway safety and traffic generation)

PROPOSAL: Section 73A application for retrospective planning permission for the change of use of part of building 1 to retail use

LOCATION: Clavering Farm, Mill Lane, Clavering

APPLICANT: Mr Greenall

AGENT: Bourne Rural Planning Consultancy Limited

EXPIRY DATE: 16 March 2018

CASE OFFICER: Chris Tyler

1. NOTATION

1.1 Outside Development Limits, Public Right of Way.

2. DESCRIPTION OF SITE

2.1 The application site is located to the north of Mill Lane, Clavering and accommodates several agricultural buildings which share an access and car park. The farm is approximately 100ha and in arable production. Access to the site is from a single track lane from Mill lane, this track also provides access top Clavering Lakes and Clavering Farmhouse.

3. PROPOSAL

3.1 This Section 73A application is for retrospective planning permission, for the change of use of part of building 1 to retail use.

Building 1 currently includes permission for B8 Use Class (storage and distribution); this application seeks retrospective planning permission to change the use of part of the floor space as shown on the block plan to A1 Use Class (Retail). The retail shop will be associated with fishing equipment.

4. APPLICANT'S CASE

4.1 The applicant has provided a design and access statement in support of the planning application to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way.

5. RELEVANT SITE HISTORY

5.1 UTT/16/3415/FUL – Change of use of agricultural building to a mixed business use including B1 and B8 uses (approved 16/2/2017)

6. ENVIRONMENTAL IMPACT ASSESSMENT

6.1 The development is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is

not required.

7. POLICIES

National Policies

7.1 National Planning Policy Framework (NPPF)

Uttlesford Local Plan (2005)

7.2 Policy S7 – The Countryside
Policy E5 – Re-use of rural buildings
Policy GEN2 – Design
Policy GEN4 – Good Neighbourliness
Policy GEN1 – Access
Policy GEN8 – Vehicle Parking Standards
Policy GEN3 – Flood Protection

Supplementary Planning Documents

7.3 Essex County Council Highways – Parking Standards Design and Good Practice 2009

8. PARISH COUNCIL COMMENTS

8.1 No objections made.

9. CONSULTATIONS

ECC Highways

9.1 From a highway and transportation perspective the Highway Authority has no comments to make on this application.

A recommended informative is included in regards to Public Rights of Way.

ECC Ecology

9.2 No objections received

10. REPRESENTATIONS

10.1 Site notice displayed and advertised – expiry date 29/11/2017. No comments received.

Neighbouring properties consultation – expiry date 10/11/2017.
5 letters of objection received:

10.2 Comments include:

Increase in traffic – impact on neighbouring property amenity.
The barn includes the same postcode as the neighbouring properties often conflicting with delivery drivers.
If approved the use of a planning condition to control the hours of operation should be used.

Impact to the rural character of the site.
Disturbance and noise to neighbouring properties.
Inadequate parking provisions.
The change in use will destroy the peaceful rural environment.
The footfall of the development cannot be predicted.
Neighbouring properties residential gardens are in close proximity to the site.
Light pollution from the retail unit.
The use of the retail unit could not be controlled and could be taken over by a commercial retail group.

10.3 Further comments received from the planning agent on the 5/12/2017 including:

There are no objections made by the Highways Authority.
The current and previous use of the site could be heavily used by farm vehicles that could be equally disruptive; as such the change of use will not have any material increase of disturbance.
There is pressure for the diversification of the use of rural buildings.
The use of the building as retail will be in line with the parameters of the site and will not attract a large commercial retailer.
Concerns of lighting can be addressed with the use of a planning condition.

10.4 Re-consultation following the submission of revised block plans – expiry date 12/2/2018.

3 Letters of objections received, comments include:

The revision does not address the previous objections made.
The development will result in an increase in traffic that will have a harmful impact.
The development will have a harmful impact to neighbouring amenity value, including noise and disturbance.
The amended parking plan does not demonstrate the precise location and number of parking spaces provided.
The parking provision cannot be predicted due to the nature of the use.
Safety concerns for users of the footpath.
The accumulation of the other current approved uses of the site will result in a detrimental impact on the neighbouring property and is not outweighed by the use of the site.

11. COMMENTS ON REPRESENTATIONS

11.1 Conflicts with delivery drivers and post code areas are not a material planning considerations.

In regards to public footpath safety, the existing site is already includes B1 and B8 use and is regularly used

The foot fall of the development use cannot be predicted; however there is no restriction to the current use of the site.

Light pollution can be mitigated with the use of a planning condition.

Times of openings and disturbance can be mitigated with the use of a planning condition.

All other material planning issues will be considered in the following report.

12. APPRAISAL

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

- A The principle of the development (ULP Policies S7, E5, NPPF)
- B Impact on neighbouring amenities (ULP Policies GEN2 & GEN4)
- C Access to the site (ULP Policy GEN1);
- D Vehicle Parking Standards (ULP Policy GEN8 and ECC Parking Standards 2009)
- E Nature Conservation (ULP Policy GEN7)
- F Flood Protection (ULP Policy GEN3)

A The principle of the development (ULP Policies S7, E5, NPPF);

- 12.1 Policy E5 indicates that the re-use of rural buildings for business use is acceptable in principle, provided that four criteria are met. This includes:

The buildings are of a permanent and substantial construction,
They are capable of conversion without major reconstruction,
The development would protect or enhance the character of to the countryside,
The development will not place unacceptable pressures on the surrounding road network.

- 12.2 Policy S7 of the Local Plan seeks to protect the countryside for its own sake by restricting development to that of which needs to take place there, or is appropriate to a rural area. There would be no material change to the external appearance of the building, such that the only effect on the character of the area would be from a change in the nature of operations on the site, which would shift from previously approved B8 Use (storage/ distribution) to retail.

- 12.3 When taking into consideration the reuse of the rural building, as a retrospective application this should be considered as the last use of the building was agricultural use. The development is considered to not conflict with ULP Policy E5, further assessment of this will be included in the following paragraphs, including amenity and access.

- 12.4 Taking into account the close relationship between the subject building and the existing use of the surrounding buildings, it is considered that the change of use is compatible with the character of the area. It is therefore considered that the principle of the change of use is therefore acceptable under policies S7 and E5 of the Local Plan.

- 12.5 Paragraph 28 of the NPPF supports the economic growth of rural areas and the support and expansion of all types of business in rural areas through the conversion of existing buildings. As such it is considered the development does not conflict with the core principle of the NPPF.

B Amenity (GEN4 and GEN2)

- 12.6 Policy GEN2 seeks to ensure that development will be of an appropriate design and mitigates any potential harm. The Core Principles of the NPPF confirm that planning should recognise 'the intrinsic character and beauty of the countryside' and the impact of development on the countryside is an accepted and material consideration.

- 12.7 A number of objections have been made in regards to an increase in disturbance

from noise from vehicles and customers. The mixed use has the potential to cause some disturbance, however the site is of a sufficient distance from the neighbouring residential properties.

- 12.8 The previous use of the building as agricultural use did not include any planning conditions or restrictions; the previous planning application UTT/16/3415/FUL did include specific planning conditions in regard to hours of operation and outdoor storage to mitigate the impact of the development, these conditions are also recommended to be imposed on this application. The from the previous unrestricted use of the site and previous planning approved of B8 use it is not considered the development will have a material significant increase in noise, primarily from vehicle movements. This is comparable with the existing use of the building, which itself has the potential to cause disturbance from vehicle movements and the operation of machinery
- 12.9 The application seeks planning permission for the change of use of the buildings and therefore the impact to neighbouring properties due to access and loss of amenity is clearly demonstrated. In close proximity to the site are the dwellings of Moat House, also the properties of Clavering Gate and Mill View are adjacent the site entrance. Comments received from the neighbouring property includes objections due to the loss of amenity, increase in vehicle movement and increase in noise; this could be at any time of the day or night
- 12.10 Due consideration has been made regarding the retrospective use of the building. The fall-back position of the building is that it already lawfully established B8 use. As such it is considered the change of use of the floor space of building 1 as shown on the submitted block plan will not result in a material increase in noise or disturbance that will have a significant level of detrimental harm to neighbouring properties.
- 12.11 The current operating hours of the retail unit will be conditioned to ensure that there would be no significant disturbance to neighbours or impact the character of the surrounding area. The development accords with ULP Policies GEN4 and GEN2 and the NPPF.

C Access to the site (ULP Policy GEN1)

- 12.12 Objections have been received from neighbouring properties in regard to the increase in vehicle movement within the site and the surrounding area, and this will have the potential to impact highway safety. In consideration of this, the fall-back position of the lawful use of the building is B8 of which has the potential to include the use of large haulage and distribution vehicles. The change of use of the building to retail is not considered to result in material increase in vehicle movement that will have detrimental impact to highway safety.
- 12.13 Furthermore and taking into account that no objections or comments have been received from the highways authority, the development will not result in any significant intensification in the use of the site.
- 12.14 The site includes a several public rights of way passing through and around the site. No objections have been received from Essex County Council Public Rights of Way Team; an informative in regard to the accessing of public rights of way shall be included. It is therefore it is considered unlikely that the retrospective development would have a detrimental impact on road safety and accords with ULP Policy GEN1.

D Vehicle Parking Standards (ULP Policy GEN8 and ECC Parking Standards 2009)

- 12.15 The Council's maximum parking standards seek to promote sustainable modes of travel to shops, although it is also necessary to ensure that sufficient car parking provision is made to prevent road safety issues associated with on-street parking.
- 12.16 Essex County Council Parking Standards (2009) advise retail units should include 1 vehicle parking space per 20sqm of floor space, as such this would equate to 22 parking spaces. Although the application site does not provide this number of car park spaces due to the location and small scale use of the unit a sensible and flexible approach should be considered.
- 12.17 Parking areas have been demonstrated on the submitted block plan, due to the nature of the site these areas are constructed of grass-crete and therefore individual parking spaces have not been indicated, however this is not part of the planning application.
- 12.18 Further parking provision is provided to the north and west of the building, as such a condition should be imposed to restrict the parking and unloading of vehicles to the north of building. Due to the unrestricted nature of the site and small scale nature of the development it is considered the car parking areas provide ample space to prevent on-street parking and accords with ULP Policy GEN8.

E Nature Conservation (ULP Policy GEN7)

- 12.19 Policy GEN7 seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. A biodiversity questionnaire has been submitted with the application and assessment of this has been made the case officer during the site visit.
- 12.20 The building is currently in use and as such does not give any significant rise to impact on protected species or biodiversity. Essex County Council Ecologist have been consulted, no objections or recommendation have been made. As such it is considered the development will not have a harmful impact on protected species or biodiversity and is in accordance with Policy GEN7 and the National Planning Policy Framework.

F Flood Protection (ULP Policy GEN3)

- 12.21 Part of the parking area to the south of the building is situated within flood zone 3, ULP Policy GEN3 states within areas of flood risk, within the development limits will normally be permitted where the conclusions of a flood risk assessment demonstrate an adequate standard of flood protection and there is not increased risk of flooding elsewhere.
- 12.22 However the car-parking area is outside of the application site and is in existing use and therefore it would unreasonable to request a flood risk assessment for the retrospective development and therefore it is considered the development accords with ULP Policy GEN3.

13. CONCLUSION

- 13.1 In conclusion, the retrospective development is acceptable and complies with all relevant National and Local Planning Policies.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

- 1 There shall be no outdoor storage of any materials, goods, equipment, plant or machinery of any description in front of the north elevation of the building. This shall not be altered without prior written permission from the Local Planning Authority.

REASON: To prevent harm to the character and amenity of the area and to ensure an appropriate level of parking provisions, in accordance with Policies S7, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005)

- 2 The hours of operation of retail development hereby permitted and as shown on the approved block plan shall be as following:

Building 1 (A1)
07:00 till 17:00 - Monday to Friday
07:30 till 16:00 -Saturday
08:00 till 14:00 - Sunday

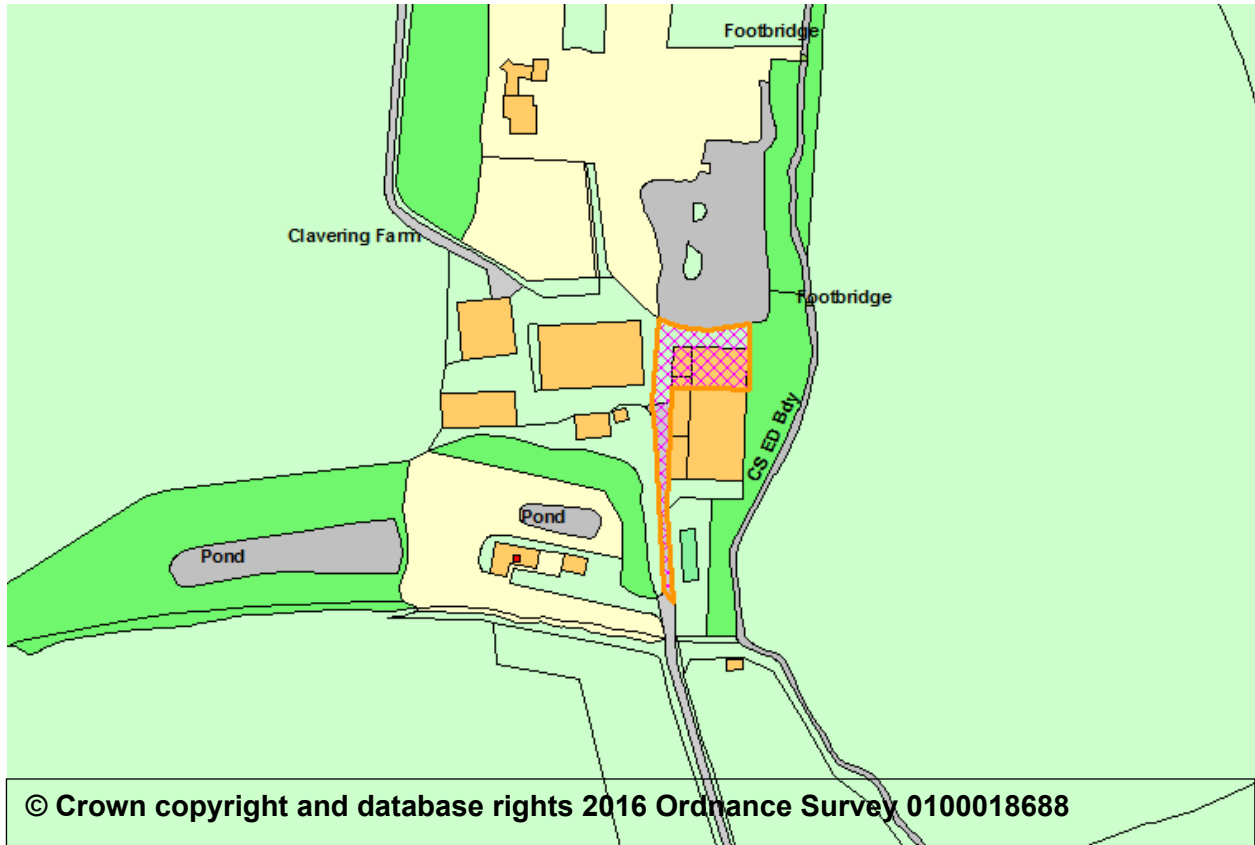
REASON: In the interests of the residential amenity of the neighbouring properties, The use of this site outside these hours would be likely to cause nuisance and disturbance to adjacent residents. In accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 3 No additional fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Uttlesford Planning Authority. The details shall ensure the lighting is designed in such a way to minimise any potential impacts to neighbouring properties Additional lighting shall thereafter be erected, installed and operated in accordance with the approved details.

REASON: To minimise any potential impacts to neighbouring properties in accordance with Policy GEN4 of the Uttlesford Local Plan (adopted 2005).

Application: UTT/17/2961/FUL

Address: Clavering Farm, Mill Lane, Clavering



Organisation: Uttlesford District Council

Department: Planning

Date: 2 March 2018

UTT/17/3574/FUL – (SAFFRON WALDEN)

(Called in by Councillor Freeman – due to loss of off street parking and retrospective permission)

PROPOSAL: Section 73A retrospective application for change of use of single storey garage space into sole trader nail bar business. Proposed introduction of a single parking space to the front of the site.

LOCATION: 97 Goddard way, Saffron Walden

APPLICANT: Ms Maria Tran

AGENT: Saffron Design and Build

EXPIRY DATE: 16 March 2018

CASE OFFICER: Chris Tyler

1. NOTATION

1.1 Inside Development Limits.

2. DESCRIPTION OF SITE

2.1 The application site relates to a semi-detached two storey dwelling located within the residential development of Goddard Way in the town of Saffron Walden. The dwelling includes a detached garage to the side of the dwelling; this has been converted into a nail bar business.

3. PROPOSAL

3.1 This Section 73A retrospective planning application is for the change of use of the garage to sole trader nail business. The conversion of the garage includes the removal of the garage door and construction of window and internal alterations. A single off street parking space is proposed to the front of the site.

4. APPLICANT'S CASE

4.1 N/A

5. RELEVANT SITE HISTORY

5.1 There are no planning applications linked to this development.

6. ENVIRONMENTAL IMPACT ASSESSMENT

6.1 The development is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

7. POLICIES

National Policies

- 7.1 National Planning Policy Framework (NPPF)

Uttlesford Local Plan (2005)

- 7.2 Policy S1 – Development limits for the main Urban areas
Policy GEN2 – Design
Policy GEN4 – Good Neighbourliness
Policy GEN8 – Vehicle Parking Standards

Supplementary Planning Documents

- 7.3 Essex County Council Highways – Parking Standards Design and Good Practice 2009

8. PARISH COUNCIL COMMENTS

- 8.1 Objects to the application on the following grounds:

That this application for business use is in the middle of a large, residential area. This business could have a significant impact on the overall residential environment; especially when recognising that whilst this application is for a small business use, once business use is granted the garage could then further be used for any future business which is highly inappropriate in a residential area. The application is therefore contrary to Gen2 Design of the current UDC Local Plan.

That the application would have a detrimental impact on the residents of Goddard Way, the noise and smells from the nail bar are a disturbance to the residents. The application is therefore contrary to Gen4 Good Neighbourliness of the current UDC Local Plan

The introduction of a business use will increase the volume of traffic visiting the premises and this will have a negative impact on the availability of parking for local residents. The application is therefore contrary to Gen8 Vehicle Parking Standards of the current UDC Local Plan

9. CONSULTATIONS

Highways Authority

- 9.1 No comments or recommendations received.

UDC Environmental Health

- 9.2 No comments or recommendations received.

10. REPRESENTATIONS

- 10.1 Neighbouring properties consultation – expiry date 18/1/2018
2 objections received:

- 10.2 Comments include:

The area is residential not for business use
The customer car parking from the business obstructs the road and neighbouring property driveways
There is only 1 parking space
The conversion of the garage was in October 2016
The business is operating on Saturday, not just Monday to Fridays

- 10.3 Following the submission of revised plans, re-consultation.
Neighbouring properties – expiry date 1/3/2018

No comments received, any further representations received will be included in the supplementary representation list and verbally presented to the planning committee.

11. COMMENTS ON REPRESENTATIONS

- 11.1 All relevant material planning issues will be considered in the following report.

12. APPRAISAL

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

- A The principle of the development (ULP Policies S1, GEN2 and the NPPF)
- B Good Neighbourliness (ULP Policy GEN4)
- C Vehicle Parking Standards (ULP Policy GEN8 and ECC parking Standards 2009)

A The principle of the development (ULP Policies S1, GEN2 and the NPPF)

- 12.1 The site is in the development limits of Saffron Walden (ULP Policy S1) where development compatible with the settlements character will be permitted. This planning application is for retrospective planning permission for the change of use of the existing garage to a nail bar business. The works to the garage are not considered in regards to the physical conversion is not considered out of character with the existing domestic scale and appearance of the existing dwelling or surrounding area. There has been no increase in footprint or additions to the garage and as such there will be loss of amenity to neighbouring properties. In terms of location, scale and design it is concluded the development accords with ULP Policies S1 and GEN2

- 12.2 The core principles of the NPPF (paragraph 17) includes supporting economic development to deliver new businesses that should be facilitated within flexible working practices, given the above, it is considered that the development would be acceptable and does not conflict with the NPPF.

B Good Neighbourliness (ULP Policy GEN4)

- 12.3 ULP Policy GEN4 seeks to protect neighbouring properties in regards to smell, dust, noise and other material disturbances. The nail bar will operate an appointment only operation and solely by the proprietor, as such this will result in one person at a time visiting the business. The change of use of the garage to nail bar at this level is not considered to have a material intensification of use that will have any significant harmful impact to neighbouring properties in regards to noise and disturbance. A planning condition will be included in regards to hours of opening; this will help mitigate any potential harm.

- 12.4 The nail bar may result in the potential of smells from the products used, however this is not considered of a significant material change in comparison to the current lawful use of the building. Any smells or fumes created are not considered to have any significant harmful impact to neighbouring properties. Furthermore UDC Environmental Health have been consulted, no objections or recommendations have been made. As such the development accords with ULP Policy GEN4

C Vehicle Parking Standards (ULP Policy GEN8 and ECC parking Standards 2009)

- 12.5 Vehicle Parking Standards (ULP Policy GEN8 and ECC Parking Standards 2009) The Council's maximum parking standards seek to promote sustainable modes of travel to shops, although it is also necessary to ensure that sufficient car parking provision is made to prevent road safety issues associated with on-street parking.
- 12.6 The assessment of such parking for this type of development should be considered case by case. Prior to the conversion of the garage the host dwelling only included 1 off street parking space that was in accordance with Essex County Council Parking Standards (2009). The impact to the neighbouring properties in regard to off street parking has been included in the objection received; as such due consideration should be made. It is considered a single parking space to the front of the site would not be sufficient for the use of the host dwelling and customers of the business
- 12.7 Following negotiations between the applicant and the LPA a revised parking plan has been submitted. The application now includes the introduction of a new parking space to the front of the site; this will be accessed from the existing dropped kerb. A planning condition should be imposed to ensure the implementation and construction of the parking space. As such it is considered the development accords with ULP Policy GEN8.

13. CONCLUSION

- 13.1 In conclusion, the retrospective development is acceptable and complies with all relevant National and Local Planning Policies.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

- 1 The hours of operation of nail bar hereby permitted and as shown on the approved block plan shall be as following:

09:00 – 17:00 Monday to Friday

The nail bar will not be open at any time on Saturdays, Sundays, Bank or Public Holidays.

REASON: In the interests of the residential amenity of the neighbouring properties, The use of this site outside these hours would be likely to cause nuisance and disturbance to adjacent residents. In accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 2 Within 3 months of the date of this decision, the proposed parking space as demonstrated on drawing- SD-TRAN-COU-03- REVB will be constructed and maintained. The parking spaces will be retained and not changed without written approval from the Local Planning Authority.

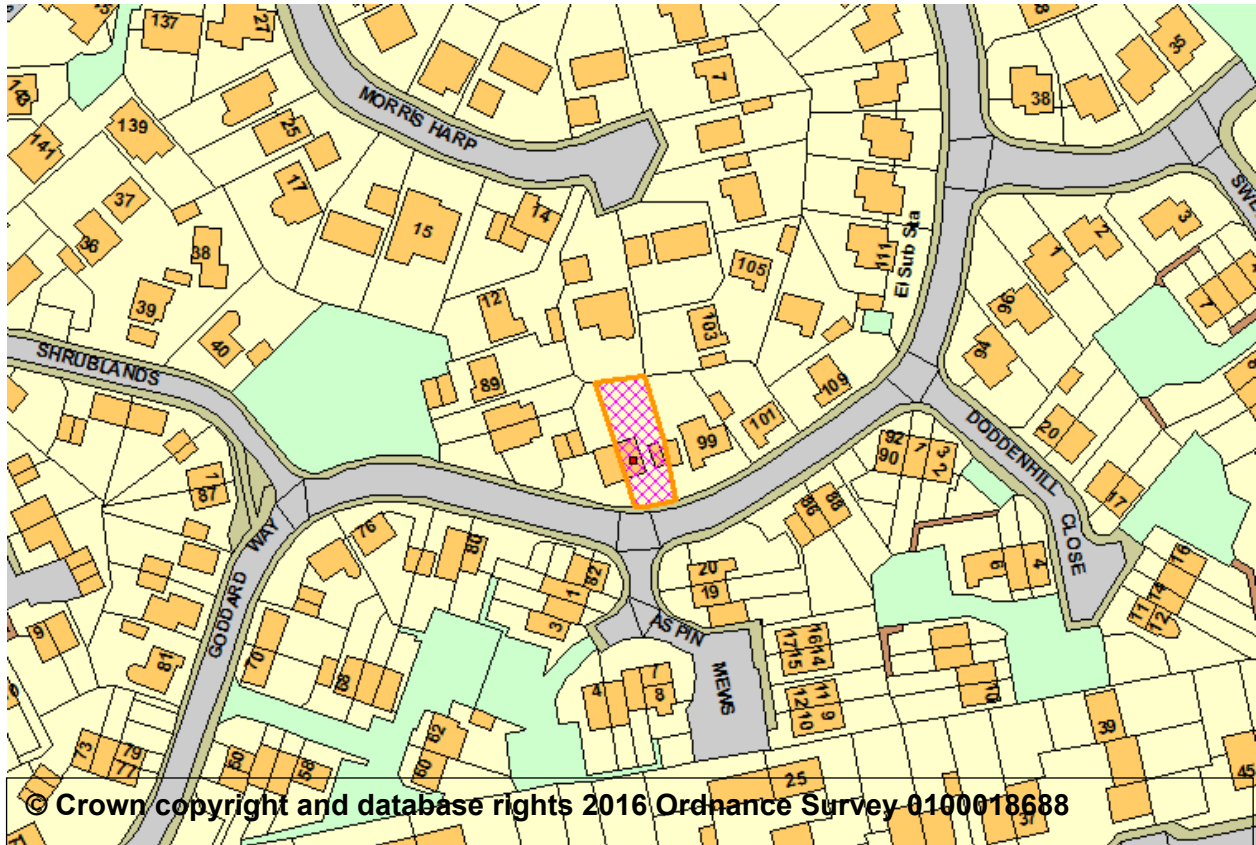
REASON: To enable vehicles calling at the premises to park clear of the highway and to ensure sufficient parking standards and in accordance with ULP Policy GEN8

- 3 A minimum of 1 parking space shown hatched on the approved location plan shall be retained permanently for the accommodation of vehicles in connection with the use hereby permitted. This shall not be changed without written approval from the Local Planning Authority.

REASON: To enable vehicles calling at the premises to park clear of the highway and to ensure sufficient parking standards and in accordance with ULP Policy GEN8.

Application: UTT/17/3574/FUL

Address: 97 Goddard Way, Saffron Walden



Organisation: Uttlesford District Council

Department: Planning

Date: 2 March 2018

UTT/17/3663/LB – (SAFFRON WALDEN)

(Referred to Committee by Cllr Lodge. Reason: Potential overdevelopment.)

Deferred from Planning Committee on 14.2.18 to receive views of Conservation Officer

PROPOSAL: Alterations and extensions for former Police Station to form 3 no. dwellings - to include: repair and restoration of window frames, alterations to access to main front door, removal of internal partitions, creation of doorway from existing window on eastern elevation, pitched roof and 1st floor extension to former stable block, addition of conservation roof lights and addition of garden rooms to rear. Alterations to existing front boundary wall.

LOCATION: Police Station, East Street, Saffron Walden

APPLICANT: Cityshape Heritage Limited

AGENT: Ian Abrams Architect Limited

EXPIRY DATE: 15 February 2018

CASE OFFICER: Luke Mills

1. DESCRIPTION OF SITE

1.1 The site is located off East Street, Saffron Walden. It contains a Grade II listed police station and associated offices within a pair of former police houses.

2. PROPOSAL

2.1 The application is for listed building consent to make various internal and external alterations to the police station to facilitate its conversion to three dwellings. The works include:

- Garden room extensions
- First floor extension to former stable block
- Window repairs
- Alterations to door positions
- Removal of internal partitions
- Alterations to front boundary wall
- Alterations to rear retaining wall

2.2 It is noted that the publicised description referred to the demolition of the adjacent former police houses. However, the demolition works do not require listed building consent because the post-1948 construction of the buildings ensures that they are not listed by association with the police station.

2.3 An application for planning permission has also been made (UTT/17/3662/FUL).

3. ENVIRONMENTAL IMPACT ASSESSMENT

3.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

4. APPLICANT'S CASE

4.1 The application includes the following documents:

- Planning Supporting Statement incorporating Design and Access Statement
- Heritage Appraisal
- Transport Statement
- Tree Survey, Arboricultural Impact Assessment and Method Statement
- Biodiversity Validation Checklist
- Extended Phase 1 Habitat Survey (Preliminary Ecological Appraisal Incorporating Bat Survey Inspection)
- Japanese Knotweed Management and Eradication method statement
- Flood Risk Assessment, Foul and Surface Water Statement
- Phase 1 Environmental Report
- Factual Report
- Chemical Interpretive Report
- Asbestos Refurbishment Survey
- Existing Building Images
- Schedule of Windows and Doors
- Construction Method Statement
- Lighting specifications

5. RELEVANT SITE HISTORY

5.1 The site has been the subject of a number of applications for permission/consent, as listed below:

CC/SWB/0002/51 Erection of wooden hut at rear of Police Station
Unconditional Approval 27/08/1951

SWB/0093/66 Provision of a double garage on land at rear
Approved with Conditions 14/10/1966

SWB/0090/71 Erection of timber screen and door to front porch
Approved with Conditions 18/10/1971

SWB/0097/72 Police office accommodation
Approved with Conditions 18/10/1972

UTT/1254/83/CC/CA Proposed extension to car park and new petroleum installation
Approved with Conditions 06/02/1984

UTT/2241/88/CC Conversion of garage to recreation room and resiting of garage block
Approved with Conditions 22/02/1989

UTT/0688/96/LB Erection of advertisement display board to replace existing
Approved with Conditions 04/09/1996

UTT/0769/98/FUL Provision of access ramp and provision of new pedestrian gate and 900mm wall between station building and front boundary. Provision of telephone on west elevation
Approved with Conditions 30/09/1998

UTT/0770/98/LB Provision of access ramp and provision of new pedestrian gate and 900mm wall between station building and front boundary. Provision of telephone on west elevation

Approved with Conditions 30/09/1998

UTT/0711/99/AV Erection of 6.25m high flag pole.

Approved with Conditions 20/08/1999

UTT/1567/99/FUL Change of use from residential to offices, provision of car park at rear and installation of replacement windows

Approved with Conditions 24/03/2000

UTT/12/5672/TCA Fell 1 no. Pear, 1 no. Lime and group of conifers. Remove lower branches to height of 2.5-3m, reduce crown by approx. 0.5-1m 1 no. Pear

No Objections 21/11/2012

UTT/15/1011/LB Replacement of previously removed railings; structural repairs to elevated platform supporting railings

Approved with Conditions 23/12/2015

UTT/16/2890/LB Application to vary condition 1 of UTT/15/1011/LB to extend the time frame given for replacing railings.

Pending Decision

UTT/17/2951/FUL Proposed change of use, alterations and extensions for form 3 no. dwellings. Alterations of existing front boundary wall and rear retaining wall. Demolition of existing single storey garages and rear kitchen extension.

Withdrawn 11/12/2017

UTT/17/2952/LB Alterations and extensions to include: repair and restoration of window frames, alterations to access to main front door, removal of internal partitions, creation of doorway from existing window on eastern elevation, pitched roof and 1st floor extension to former stable block, addition of conservation roof lights and addition of garden rooms to rear. Alterations to existing front boundary wall.

Approved with Conditions 18/01/2018

- 5.2 The most relevant application is UTT/17/2952/LB, which resulted in a grant of listed building consent for various extensions and alterations to the police station and its boundary wall.

6. POLICIES

- 6.1 Relevant policies for the consideration of listed building consent applications are listed below.

Uttlesford Local Plan (2005)

- 6.2 ENV2 – Development affecting Listed Buildings

National Policies

- 6.3 National Planning Policy Framework (NPPF) (2012)
- paragraphs 128-134

7. TOWN COUNCIL COMMENTS

7.1 No objections. Informative note states:

“...the Council expresses concerns regarding the impact of this development on the street scene of East Street. The proposed new residential properties should seek to be an integral part of the existing street scene with minimal disruption to the current view and vista of East Street.”

8. CONSULTATIONS

Historic England

8.1 Does not wish to comment.

Conservation Officer

8.2 Recommends approval. Full response:

“The Saffron Walden Police Station is a prominent red brick structure of late C19 origins built in Elizabethan style with stone dressing. Its full architectural and historic special interest has been in detail described in the exemplary Heritage Appraisal forming part of this submission.

The proposal subject of this application is the conversion of former Police Station to form 3 no. dwellings - to include: repair and restoration of window frames, alterations to access to main front door, removal of internal partitions, creation of doorway from existing window on eastern elevation, pitched roof and 1st floor extension to former stable block, addition of conservation roof lights and addition of garden rooms to rear. Alterations to existing front boundary wall. The redevelopment of this site was subject of pre-application consultations and previously approved scheme.

I consider that in principle the police station and the attached outbuilding lend itself well to the suggested conversion to three houses. The devised scheme deals intelligently with the subdivision of the historic structure. It aims at the removal of some later partitions and formation of party walls along the logical lines. The extensions at the rear would respond well to the architectural period of the listed building and would not unduly detract from its original style. The detailed schedule of repairs mostly indicates like for like repairs which would result in the reinstatement of some previously lost historic details. The suggested conversion and extension of the garage/stable block would represent a subservient range which while create a useful home would not diminish the primacy of the principle heritage asset on this site.

In essence this revised scheme follows the previously approved application UTT/17/2952/LB with minor differences as indicated in the case officer's report. I consider that these adjustments would not diminish the special architectural and historic interest of the heritage asset or the character of the conservation area. I suggest approval of this application.”

9. REPRESENTATIONS

9.1 Neighbours were notified of the application by letter, and notices were displayed

near the site and in the local press. One representation has been received, which raises concerns about the proposed level of parking provision.

- 9.2 The parking provision falls outside the scope of this application for listed building consent. However, it is considered fully in the officer's report for the associated planning application (UTT/17/3662/FUL).

10. APPRAISAL

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

- A Impact on the listed building
- B Biodiversity

A Impact on the listed building

- 11.1 S16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering whether to grant listed building consent for any works, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework and Policy ENV2 of the Uttlesford Local Plan (2005) are material considerations.
- 11.2 The extensions and alterations to the listed building are generally the same as those approved by listed building consent UTT/17/2952/LB, with the following differences:
- The rear extensions at Plots 6 and 7 would be set lower
 - The pedestrian gates for Plots 5 and 6 would be blue-painted timber, rather than metal railings
 - Additional rooflights would be inserted on the west elevation of Plot 5
- 11.3 Taking into account the comments of the Conservation Officer, it is concluded that the revised scheme respects the special character of the listed building.
- 11.4 Regard has been had to the Council's statutory duties under S72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, and it is considered that there would be no adverse effect on the character and appearance of the Saffron Walden conservation area.

B Biodiversity

- 11.5 S40(1) of the Natural Environment and Rural Communities Act 2006 requires local planning authorities to have regard to the purpose of conserving biodiversity when exercising its functions. Also, R9(3) of the Conservation of Habitats and Species Regulations 2017 requires Local Planning Authorities to have regard to the requirements of the Habitats Directive and Birds Directive when exercising its functions.
- 11.6 Taking into account the comments of the Council's ecological consultant on the associated planning application, it is considered that there would be no adverse effects on any protected species or valuable habitats. The recommended conditions would be applied to the planning permission should it be granted.

12. CONCLUSION

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

- A** The proposed works would not have an adverse effect on the special character of the listed building. It is therefore recommended that listed building consent be granted.

RECOMMENDATION – APPROVAL WITH CONDITIONS

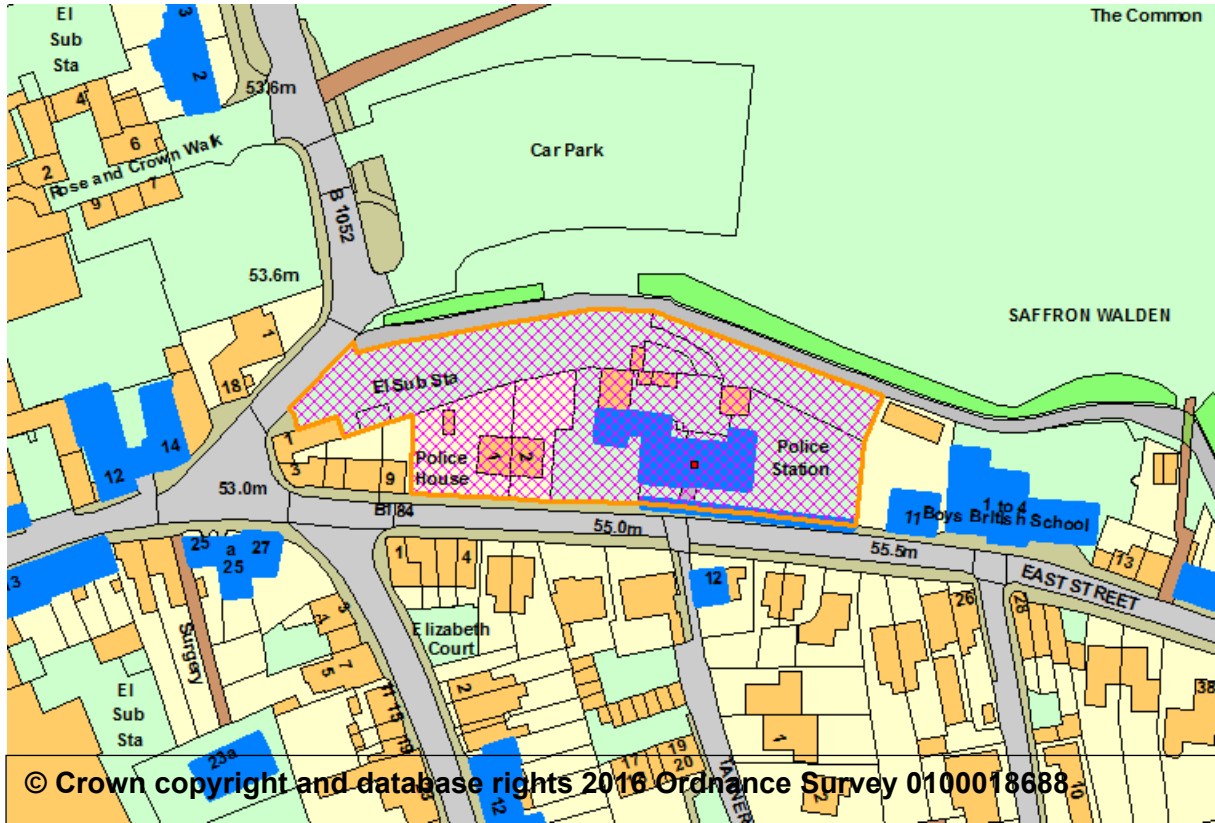
Conditions

1. The development to which this consent relates shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Application: UTT/17/3663/LB

Address: Police Station, East Street, Saffron Walden



Organisation: Uttlesford District Council

Department: Planning

Date: 2 March 2018

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UTT/17/2725/FUL – (FELSTED)

(Minor – Councillor application)

PROPOSAL: Proposed demolition of bungalow, outbuildings and workshop buildings and erection of 1 no. 5 bedroomed house and garage building

LOCATION: Belmont, Hollow Road, Felsted

APPLICANT: Mr A Mills

AGENT: Mr J Mustard

EXPIRY DATE: 30 November 2017 – EOT 16 March 2018

CASE OFFICER: Karen Denmark

1. NOTATION

1.1 Outside Development Limits/Adjacent Listed Building.

2. DESCRIPTION OF SITE

2.1 The application site is located on Hollow Road in Felsted which is located to the east of the main core of Felsted village. The site currently contains a bungalow and a substantial outbuilding. The site has a frontage of approximately 84 metres and a depth of 48 metres, tapering to 24 metres. There is boundary screening of varying quality and density.

3. PROPOSAL

3.1 The proposal relates to the demolition of the buildings on the site and the erection of a new dwelling.

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

And

Human Rights Act considerations:

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

5. APPLICANT'S CASE

5.1 The application is accompanied by a Design and Access Statement and a Bat Survey.

5.2 Conclusion of Design and Access Statement:

Belmont is a residential dwelling situated in a substantial plot in a quiet rural location with several outbuildings, where it does not currently function well as a modern dwelling and is in need of full renovations.

With the current site owners looking to enhance the site setting by creating a more sustainable dwelling, the opportunity of replacing the building is being taken.

The design proposals reflect a traditional built-form of a simple building within the countryside, where a 21st century design approach creates a building sympathetic to its setting in a contemporary composition. The scale of the new dwelling is more in harmony with the neighbouring properties and is similar to the newer approach provided at Brynteg, further along Hollow Road, but aiming to blend more into the environment/countryside.

The demolition and replacement of Belmont in the design proposals enhance the value of the site where the character of the countryside is protected. Sustainable measures in the design and construction ensure that the building will be future-proofed where it can function as a successful dwelling for many years without further alteration or adaption.

6. RELEVANT SITE HISTORY

6.1 There is no relevant planning history associated with this site.

7. POLICIES

Uttlesford Local Plan (2005)

Policy S7 – The Countryside
Policy H7 – Replacement Dwellings
Policy ENV2 – Development affecting Listed Buildings
Policy GEN2 – Design
Policy GEN8 – Vehicle Parking Standards

Supplementary Planning Documents/Guidance

SPD: Replacement Dwellings (2006)
SPD: Accessible Homes and Playspace (2005)
Parking Standards: Design and Good Practice (2009)
Uttlesford Local Residential Parking Standards (2011)

National Policies

National Planning Policy Framework (NPPF)
Planning Policy Guidance

8. PARISH COUNCIL COMMENTS

8.1 Original Plans: No objection to the construction of a replacement dwelling, and approves of the proposed finish and design, with the exception of the proposed flat roof, which is inappropriate. All neighbouring properties have pitched roofs including the adjacent Grade II listed Pyes Farm Cottage. A 1 ½ storey construction with a pitched roof would be more appropriate.

8.2 Revised Plans: No comments received at time of writing report. Consultation date expired 23 February 2018.

9. CONSULTATIONS

Aerodrome Safeguarding

9.1 No objection. The proposed development has been examined for aerodrome safeguarding, this proposal does not conflict with any safeguarding criteria. Accordingly, Stansted Airport has no safeguarding objections to the proposal.

ECC Ecology

9.2 No objections. The bat survey dated September 2017 included with the application does not raise any concerns over the protected species investigated (bats). Further surveys for bats are not required. Given the small-scale and limited scope of the development, there are no further ecological considerations.

ECC Highways

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

10. REPRESENTATIONS

10.1 Original Plans: This application has been advertised and 5 letters of representation have been received raising the following points:

- Ultra-modern plans not in keeping with immediate neighbours
- Contrary to Policy H7
- Reliance on modern replacement dwelling at Brynteg
- Pool and terrace area will be on elevated area and overlook my property
- Inaccuracies in Design and Access Statement
- Drawings misleading as vegetation not as dense as shown
- No objection to a traditional replacement dwelling
- No objection except to flat roof area which is unacceptable
- We are a thatch and bungalow area not something from Italy

10.2 Revised Plans: Three letters of representation have been received raising the following additional points:

- Whilst some of initial objections have been addressed there has been little change to design of property
- Reiterate concerns regarding modern property

11. APPRAISAL

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

- A Principle of proposal (ULP Policies S7, H7; NPPF)
- B Design and amenity (ULP Policies H7, GEN2; NPPF)
- C Impact on setting of listed building (ULP Policy ENV2; NPPF)
- D Parking (ULP Policy GEN8)

E Biodiversity (ULP Policy GEN7; NPPF)

A Principle of proposal (ULP Policies S7, H7; NPPF)

- 11.1 The application site is located outside the development limits in an area designated as countryside. Policy S7 seeks to protect the character of the rural area and development will be restricted to that which needs to take place there or is appropriate to the character of the rural area. This policy is only partially compliant with the NPPF in that it takes a protective view rather than a positive approach to development.
- 11.2 Policy S7 doesn't seek to restrict development in the open countryside, rather it seeks to protect the character of the rural area. Replacement dwellings are considered to be appropriate types of development in rural areas. Policy H7 states that replacement dwelling will be permitted if it is in scale and character with neighbouring properties. Outside development limits, a replacement dwelling will not be permitted unless, through its location, appearance and associated scheme of landscape enhancement it would protect or enhance the particular character of the countryside in which it is set.
- 11.3 The application site is part of a small cluster of dwellings which includes a listed thatched cottage, and substantial detached properties of varying design and character. There is a mix of materials including brick, render and timber features.
- 11.4 The bungalow and its associated outbuilding is not of any particular architectural merit and its replacement would be acceptable in principle and, subject to issues of design discussed in section B below, would be in accordance with Policies S7 and H7.

B Design and amenity (ULP Policies H7, GEN2; NPPF)

- 11.5 Policy H7 requires replacement dwellings to be in scale and character with neighbouring properties. Policy GEN2 requires development to be compatible with the scale, form, layout, appearance and materials of surrounding buildings. SPD: Replacement dwellings states in paragraph 17:
- "If the property you want to replace forms part of a group of houses which stand together in the countryside the new house should be in scale and character with neighbouring properties in terms of height and volume. You should show which properties you have judged to be neighbouring and how you consider the proposal to be in scale with them. However, if the surrounding properties are much larger than the original dwelling this could result in a new building which will have a greater impact on the character of the countryside. In this case the Council will make a judgement on the size of new building that would be acceptable."*
- 11.6 The site currently contains a bungalow and a substantial outbuilding, although it should be noted that the SPD states that the Council will not include the floorspace of any existing garage when judging whether the size of the new dwelling is acceptable because it is likely the garage will be replaced, as is the case in these proposals.
- 11.7 Therefore, looking at the existing bungalow, this has a frontage of approximately 12m and a depth of approximately 12m at its widest points. The highest ridge height is approximately 5.8m with lower sections being approximately 4.8m. For information, the existing outbuilding is approximately 14m in length, 4.5m wide and

4.75m high. The applicant's Design and Access Statement makes various assertions with regards to permitted development rights and potential volumes, but on seeking clarification it would appear that the permitted development rights have been misinterpreted. Furthermore, the commentary in the Design and Access Statement fails to take into account the comments of paragraph 19 of the SPD: Replacement Dwellings.

- 11.8 Notwithstanding that, the SPD and Policies H7 and GEN2 do permit development which is in scale with surrounding buildings. The adjacent listed building has a traditional span of around 5m and a length of approximately 15m. However, the more modern properties of Greyfriars and White Hall House are substantially larger. Greyfriars is approximately 20m by 12m at its widest points, and White Hall House is approximately 18m by 15m. Following revisions to the scheme, the proposed replacement dwelling is approximately 24.5m by 17m at its widest points. Whilst this is larger than neighbouring properties, it is not substantially larger and would be in scale with them.
- 11.9 The fundamental objection from neighbours and the Parish Council is the modern design of the property and the fact that it has flat roofs. There is no policy requirement for new development to be a pastiche of older style development. Likewise, design policies are not required to be prescriptive and thus preventing innovative design. Indeed, the NPPF in the Ministerial Foreword acknowledges that *"our standards of design can be so much higher."* It goes on to emphasise the requirement for good design. Paragraph 60 of the NPPF states:
- "Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."*
- 11.10 The original proposals appeared to be a confusion of thoughts set out on a drawing with a mix of pitched and flat roofs and was substantially bulkier in appearance. Following negotiations, the revised scheme appears more streamline, with clean, crisp lines and reduces the visual impact of the proposals. Whilst the proposed dwelling would have a substantial footprint, the scale of the building is governed by the inner courtyard which is fundamental to the design of the proposed property. However, the scale of the building is limited through the use of flat roofs with the dwelling only being approximately 6.2m high at its highest point, reducing to 4.4m at its lower points.
- 11.11 The use of traditional roof pitches on this scale of building would result in a dwelling which would have substantially increased bulk and visual dominance within the street scene. The dwelling is proposed to be constructed using timber cladding which would not be out of character with the rural location of the property.
- 11.12 The representations make reference to the modern dwelling constructed at a property known as Brynteg. This is a white render and glazed property set in a relatively unenclosed plot which is very different in character to the application site. That property replaced a bungalow which was similar in scale to this case. In comparison, Brynteg is approximately 28m by 14m at its widest points. The two storey element is 6.1m and the lower section is 3.6m. Therefore, it is considered that the current proposal is comparable with Brynteg in terms of scale and the scale is in keeping with nearby properties. Overall, in terms of scale it is considered that the proposal is acceptable and in accordance with Policies H7 and GEN2.

- 11.13 The design of the property is considered to be appropriate to the rural location. Whilst it is different to the traditional forms of dwellings nearby it is not out of character with the rural area. The use of timber cladding is an appropriate form of construction in a rural area. Therefore, it is considered that the design is in accordance with Policies H7 and GEN2.
- 11.14 In terms of residential amenity, the proposed dwelling would be located approximately 22m from the side elevation of the neighbouring property to the southwest. Whilst full glazing is proposed at ground floor level of the southwest elevation, it is not considered that this would give rise to loss of residential amenity to the neighbouring property due to overlooking. The separation distance ensures there would be no overbearing or overshadowing impacts. The proposals therefore comply with Policy GEN2.
- 11.15 Policy GEN2 and the SPD: Accessible Homes and Playspace require compliance with the Lifetime Homes standards. However, these standards have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Compliance with these requirements can be secured by way of a condition.

C Impact on setting of listed building (ULP Policy ENV2; NPPF)

- 11.16 Pyes Farm Cottage is a Grade II Listed building and lies approximately 62m to the northeast of the proposed dwelling. Whilst there is boundary screening there are opportunities for glimpses of the proposed dwelling from the curtilage of the listed building. It is therefore necessary to consider the impacts on the setting of the listed building, as set out in s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, ULP Policy ENV2 and paragraphs 132-134 of the NPPF.
- 11.17 As discussed above, the scale of the proposed dwelling is in keeping with the character of surrounding dwellings in this rural location. It sits within a substantial plot and there would be approximately 62m between the closest elevations of the two properties. There would be approximately 37m between the northeast elevation of the proposed dwelling and the boundary with the listed building. There is approximately 25m between the listed building's southwest elevation and its boundary.
- 11.18 Whilst the footprint of the dwelling is substantial, its bulk is significantly reduced by the use of flat roofs. This limits any potential impact from the proposals both on the setting and character of the rural area and on the setting of the listed building. Given the separation distances and the boundary landscaping it is the officer's view that the impacts on the setting of the listed building would be less than substantial harm. The public benefits arising from the scheme would be the replacement of a dwelling with one which is more sustainable in its construction. Therefore, it is considered that the proposals comply with Policy ENV2 and the NPPF.

D Parking (ULP Policy GEN8)

- 11.19 The Council's adopted parking standards set out the requirement for residential properties. Parking bays are required to be 5.5m by 2.9m and garages are required to be 7m by 3m for a single garage, measured internally to be classified as parking bays. The proposed dwelling sits in substantial grounds where there is

more than sufficient parking. A double garage is proposed which measures 6.8m by 6m and whilst it is technically 0.2m too short internally to be classified as a parking space, there is more than sufficient parking available to meet the requirements.

E Biodiversity (ULP Policy GEN7; NPPF)

- 11.20 Policy GEN7 and paragraph 118 of the NPPF require development proposals to aim to conserve and enhance biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species.
- 11.21 The application is accompanied by a biodiversity questionnaire and a bat survey. These have been considered by the County Ecologist who raises no objections to the proposals. They therefore comply with Policy GEN7 and the NPPF.

12. CONCLUSION

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

- A** The principle of a replacement dwelling is acceptable in this location.
- B** The scale and design of the property are considered acceptable in this location. The use of timber cladding and flat roofs is considered to be appropriate. There would be no loss of residential amenity to neighbouring properties.
- C** There would be a less than significant impact on the setting of the adjacent listed building. The public benefits would be the construction of a more sustainable dwelling in this location.
- D** The parking provision meets the adopted standards.
- E** There would not be any adverse impacts on biodiversity.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

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

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

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

4. The existing access at the north-east of the site, as shown on the site layout plan drawing no. 001, shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge within one month of occupation of the development.

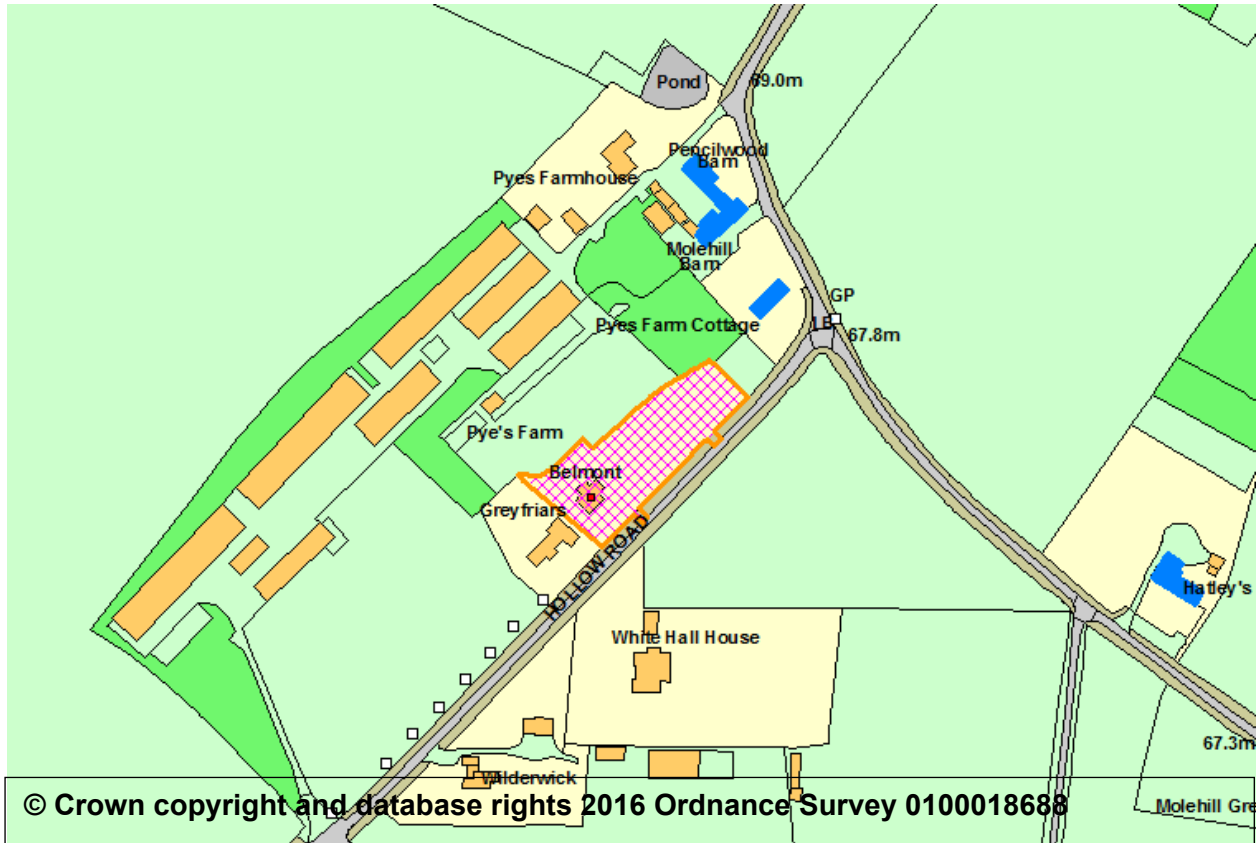
REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

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

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

Application: UTT/17/2725/FUL

Address: Belmont, Hollow Road, Felsted



Organisation: Uttlesford District Council
Department: Planning
Date: 2 March 2018

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