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# Uttlesford District Council

Chief Executive: Dawn French

## Planning Committee

**Date:** Wednesday, 9th May, 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 - 14

To consider the minutes of the previous meeting held on 11 April 2018.

**3 UTT/17/2868/OP - Land to the South of Wicken Road, Newport**

15 - 44

To consider application UTT/17/2868/OP

**4 UTT/17/1852/FUL - Land Adj to Coppice Close, Dunmow Road, Takeley**

45 - 74

To consider application UTT/17/1852/FUL

- |           |  |                  |
|-----------|--|------------------|
| <b>5</b>  | <b>UTT/17/3623/DFO - Land East of St Edmunds Lane, Great Dunmow</b>                                      | <b>75 - 88</b>   |
|           | To consider application UTT/17/3623/DFO  |                  |
| <b>6</b>  | <b>UTT/17/3426/OP - Land South of Radwinter Road, Saffron Walden</b>                                     | <b>89 - 118</b>  |
|           | To consider application UTT/17/3426/OP   |                  |
| <b>7</b>  | <b>UTT/17/3429/OP - Land to the East of Shire Hill, Saffron Walden</b>                                   | <b>119 - 146</b> |
|           | To consider application UTT/17/3429/OP   |                  |
| <b>8</b>  | <b>UTT/17/3571/FUL - Land East of Claypit Villas, Bardfield Road, Thaxted</b>                            | <b>147 - 158</b> |
|           | To consider application UTT/17/3571/FUL  |                  |
| <b>9</b>  | <b>UTT/18/0103/DFO - Land to the South of The Endway, Great Easton</b>                                   | <b>159 - 164</b> |
|           | To consider application UTT/18/0103/DFO  |                  |
| <b>10</b> | <b>UTT/18/0307/FUL - New World Timber Frame and Graveldene Nurseries, London Road, Great Chesterford</b> | <b>165 - 172</b> |
|           | To consider application UTT/18/0307/FUL  |                  |
| <b>11</b> | <b>UTT/18/0188/OP - Rear of Holly Hedge, Woodmans Lane, Duddenhoe End</b>                                | <b>173 - 184</b> |
|           | To consider application UTT/18/0188/OP   |                  |
| <b>12</b> | <b>UTT/17/2387/FUL - Thatch End, The Row, Starr Road, Henham</b>   | <b>185 - 200</b> |
|           | To consider application UTT/17/2387/FUL  |                  |
| <b>13</b> | <b>UTT/17/3663/LB - Police Station, East Street, Saffron Walden</b>                                      | <b>201 - 208</b> |
|           | To consider application UTT/17/3663/LB   |                  |

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# Agenda Item 2

## **PLANNING COMMITTEE held at the COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 2pm on 11 APRIL 2018**

Present: Councillor A Mills (Chairman)  
Councillors R Chambers, J Davey, P Fairhurst, R Freeman, E Hicks, M Lemon, J Lodge, J Loughlin and L Wells.

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

Also present: C Cant, J Crisp, A Dearn, J Francis, M Heseltine, C Jackson, K Jones, P Maisey-Young, S Menhinick, S Merrifield, A Monk, J Nelson, J Petchey, J Roberts, R Sach, N Tedder, D Wallace-Jarvis, M Watts and S Weston.

### PC109 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

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

Councillor Freeman declared a non-pecuniary interest in Item 5 as he knew the occupants of the property on the other side of the Flitch Way.

The Chairman declared a non-pecuniary interest in Item 5 as the application was in his ward and he knew the occupants.

Councillor Hicks declared a non-pecuniary interest in Item 4 as he knew the family of the applicant.

### PC110 **MINUTES**

*Councillor Chambers left the meeting at 2.05pm.*

The minutes of the meeting held on 14 March 2018 were approved and signed by the Chairman as a correct record.

### PC111 **UTT/17/2238/FUL - OAKLANDS, ONGAR ROAD, GREAT DUNMOW**

*Councillor Chambers re-entered the meeting at 2.08pm.*

The full application related to the demolition of the existing bungalow on the site and the erection of 25 dwellings, comprising a mix of detached, semi-detached and terraced dwellings and bungalows. This included 40% affordable housing,

with associated service road, covered and hardstanding parking and landscaping.

Councillor Fairhurst proposed to refuse the application.

Councillor Lodge seconded the motion.

The motion was defeated.

Councillor Hicks proposed to approve the application.

Councillor Chambers seconded the motion.

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

*Nigel Tedder spoke in support of this application.*

*Councillor Davey entered the meeting at 2.12pm but took no part in the discussion or voting on this item.*

PC112

**UTT/17/3538/DFO - LAND NORTH OF STEBBING PRIMARY SCHOOL, GARDEN FIELDS, STEBBING**

The application related to reserved matters regarding layout, scale, landscaping and appearance for 30 dwellings, previously approved under reference UTT/14/1069/OP.

The proposed mix of dwellings would be from one bedroomed to five bedroomed, including bungalows and flats. It was proposed that there would be 40% affordable housing. The affordable housing would be split into 50% affordable rent and 50% affordable shared ownership.

Members discussed plot 30 of the application and there was a consensus to remove the plot's permitted development rights to prevent the property from developing its amenity space in the future.

Councillor Hicks proposed to approve the application.

Councillor Wells seconded the motion.

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

9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no development within classes A to E of Schedule 2, Part 1 and Class A of Part 2 shall be carried out within the curtilage of the dwelling house on plot 30 without the prior written consent of the local planning authority.

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

*Christina Cant and Sandi Merrifield spoke against this application. John Crisp spoke in support of this application.*

PC113      **UTT/17/3556/OP - PRIORY LODGE, STATION ROAD, LITTLE DUNMOW**

This outline proposal with all matters reserved except access related to the demolition of existing commercial workshops and external storage areas and the erection of eight detached dwellings by way of change of use with associated 3.7m wide service road with modifications to the existing “in-out” vehicular access to Priory Lodge.

Members discussed the safety issues regarding access to the site. There was agreement that visibility splays were required and would be conditioned if the application were to be approved.

Councillor Hicks proposed to approve the application.

The Chairman seconded the motion.

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

11) A 2.4m x 90m site visibility splay free of obstruction shall be provided in each direction along Station Road relative to the back of the footway/land within the applicant's control from the vehicular access point into the approved development prior to the operational use of the access and thereafter permanently maintained as shown on drawing "Access Visibility Splay" - Drwg. no. 10855 05.

REASON: To ensure a satisfactory standard of development in the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

PC114      **UTT/17/3440/FUL - LAND AT BRICK KILN LANE, STEBBING**

The full application related to the erection of two four bedroomed detached dwellings with integral garages forming Plots 4 and 5 of Brick Kiln Lane.

Members discussed the Parish Council's concerns regarding a proposed field access.

The Development Manager said the field access was outside of the land being considered in this application. He added that the new field access indicated by the applicant would require separate planning permission.

Councillor Fairhurst said the issue surrounding this field access should be included as an informative. He then proposed to approve the application.

The Chairman seconded this motion.

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

*Sandi Merrifield spoke on this item.*

PC115

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

The applicant proposed changing the use of the site from a retail (Class A1) use to a mixed use restaurant/takeaway (Class A3/A5). The application also related to the installation of extraction/ventilation equipment and a new door opening. The proposed restaurant/takeaway would be open between 11am to 11pm seven days a week. It was anticipated that the bulk of custom to the site would be for takeaway, but seating for up to 36 customers would also be provided at the front of the unit for those eating in.

Members discussed parking and traffic issues on Cambridge Road, and how the takeaway restaurant would impact on what was an already busy road. Particular regard was paid to the parking of delivery vehicles owned by the restaurant and it was proposed that a parking scheme should be conditioned if the application were to be approved.

*The Chairman adjourned the meeting at 4pm. The meeting was re-adjourned at 4.10pm.*

In response to a Member request, the Senior Planning Officer said the traffic impact assessment had taken into account the impact of customers who were eating in and taking away from the restaurant. It had also suggested that the change of use from a retail unit to a restaurant would have no discernible impact on the traffic or parking situation.

Members discussed the opening hours of the proposed restaurant and there was agreement that the closing time should be brought forward to 10pm.

Councillor Fairhurst proposed to approve the application.

The Chairman seconded this motion.

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

6) The restaurant and takeaway services hereby permitted shall not open outside the hours of 11.00am to 22.00pm Monday to Saturday and between 11.00am to 22.00pm on Sunday.

REASON: In order to protect and safeguard the amenity of the adjoining occupiers in accordance with Policies GEN2 and GEN4 of the adopted Local Plan (2005).

7) The approved premises shall not be open for the purposes approved by this consent, until a full scheme for the parking of takeaway delivery vehicles has been submitted and approved by the Local Planning Authority. The planning permission shall be implemented in full accordance with this scheme and thereafter retained.

Reason: In order to protect and safeguard traffic and other road users in accordance with Policy GEN1 of the adopted Local Plan (2005).

*Andrew Monk, Karen Jones and Daphne Wallace-Jarvis spoke against this application. Jamie Roberts spoke in support of this application.*

PC116

**UTT/17/1533/FUL - ELSENHAM GOLF AND LEISURE, HALL ROAD, ELSENHAM**

The application sought a variation of condition 14 "No waste other than those waste materials defined in the application details shall enter the site" of planning permission UTT/16/1066/FUL. This was in order to allow the importation of waste material from additional sites to create a chipping green and adventure golf area, driving range refurbishment, an extension to the car park, a reservoir and landscaping enhancements.

The Planning Officer informed Members that conditions 2,3,4,5,6,7,8,9,16 and 17 had been discharged since the report had been written.

Members discussed the nature of the waste that would be used on site and it was agreed that a level of oversight from the Council was required to ensure all waste used onsite was certified.

Councillor Wells proposed approval of the application.

Councillor Lodge seconded this motion.

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

11) No materials other than clean naturally occurring soil and mineral including top and sub soils; underlying rock from which constituent parts make up part of the soil; clays, silts, sands and gravels; underlying geology shall be imported to the site. No contaminated materials and/or waste that will undergo any significant physical, chemical or biological transformations and/or dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact shall be imported to the site. All

materials imported must be capable of direct use as part of the development, hereby permitted, without the need for treatment. Any necessary certification shall be forwarded to the Local Planning authority within 28 days of authorisation.

REASON: Waste material outside of the aforementioned would raise additional environmental concerns which would need to be considered afresh and too comply with ULP policy GEN2 of the Uttlesford Local Plan (adopted 2005).

*James Nelson spoke in support of this application.*

PC117      **UTT/17/2387/FUL - THATCH END, THE ROW, STARR ROAD, HENHAM**

The full application sought the erection of a single storey one bedroomed dwelling within the a garden plot and the demolition of the existing double garage.

Councillor Fairhurst proposed deferral of the application to allow formal comment from the Conservation Officer.

Councillor Lodge seconded the motion.

The vote was tied. The Chairman used his casting vote to defer the application.

RESOLVED to defer the application to allow for formal comment from the Conservation Officer and to give Members the opportunity to visit the site.

PC118      **UTT/18/0188/OP - REAR OF HOLLY HEDGE, WOODMANS LANE, DUDDENHOE END**

This planning application sought outline permission with all matters reserved, except access, for the demolition of an existing outbuilding and the erection of two single storey dwellings and garages.

Councillor Chambers proposed deferral of the application to give Members the opportunity to visit the site to consider whether the access to the site was acceptable.

Councillor Fairhurst seconded the motion.

RESOLVED to defer the application to allow Members to visit the site.

*Michael Heseltine spoke in support of this application.*

PC119

**UTT/18/0425/FUL - EAGLE ROAD CLUB, CAMBRIDGE ROAD, UGLEY**

The applicant requested planning permission for the demolition of the existing clubhouse and outbuilding, and the erection of two four bed roomed detached dwellings.

The Chairman proposed approval of the application.

Councillor Fairhurst seconded the motion.

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

*Nigel Tedder spoke in support of this application.*

PC120

**UTT/18/0313/FUL - NEW WORLD TIMBER FRAME AND GRAVELDENE NURSERIES, LONDON ROAD, GREAT CHESTERFORD**

The application was to vary Condition 2 of planning permission UTT/14/0174/FUL, which read:

*2. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule below.*

The proposed variation to the schedule of approved plans would facilitate amendments to the approved site layout, the most significant of which were the additional rear access paths for Plots 1, 2, 25-27 and 29-32.

Members discussed the reduction of amenity space for six dwellings to accommodate the additional rear access paths.

In response to a Member question, the Planning Officer said three of the six plots with reduced amenity space were affordable homes; the other three were to be homes for the open market. He added that the amenity space for plot 13 could be increased by condition.

Councillor Fairhurst proposed refusing the application on the grounds that a number of dwellings would have an unacceptable size of amenity space.

Councillor Loughlin seconded the motion.

The vote was tied. The Chairman used his casting vote to defeat refusal of the application.

*Joanna Francis spoke against this application. Chris Jackson spoke in support of this application.*

PC121

**UTT/18/0392/HHF - 3 WHITEGATES, HOLDERS GREEN ROAD, LINDSELL**

Planning permission was sought for the construction of a single storey front, side and rear extension to the existing dwelling house.

In response to a Member question, the Chairman said he estimated that the proposed extension had been reduced in size by 10% from the previous application. He agreed that a definitive measurement could not be given by Officers.

Councillor Fairhurst said this was a difficult situation but the significant overbearing issue present in the previous application UTT/18/0392/HHF had not been resolved.

Councillor Chambers said the extension would have a major impact on the applicant's neighbours.

Councillor Fairhurst proposed to refuse the application.

Councillor Chambers seconded the motion.

RESOLVED to refuse permission for the following reasons:

- 1) The proposed single storey rear extension as a result of its inappropriate size and scale would amount to a development that would appear excessive in terms of its bulk and massing and thereby be detrimental to the character and appearance of the original dwelling house contrary to local policies GEN2 and H8 of the Uttlesford District Local Plan as Adopted (2005) and the National Planning Policy Framework.
- 2) The proposed extension would by reason of its inappropriate size, scale and close proximity to the adjoining property known as No. 4 Whitegates, Holders Green Road, Lindsell, would result in an intrusive and unneighbourly development which would cause an overbearing and harmful impact to the amenities of the adjoining property occupiers contrary to policy GEN2 of the Adopted Local Plan and the National Planning Policy Framework.

*Paul Maisey-Young, Robert Sach and Sally Weston spoke in support of this application. Andrew Dearn, Stuart Menhinick and Julie Petchey spoke against this application.*

PC122 **UTT/18/0395/NMA - THE DELLES, CARMEN STREET, GREAT CHESTERFORD**

The application was for a Non-Material Amendment to a planning permission for a new dwelling, which was granted in October 2017 (UTT/17/2167/FUL). The proposed amendment related to the porch design.

The Chairman proposed to approve the application.

Councillor Wells seconded the motion.

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

PC123 **CHIEF OFFICER'S REPORT: UTT/17/1896/FUL - J.F. KNIGHT ROADWORKS, COPTHALL LANE, THAXTED**

The Development Manager presented the Chief Officer's report on application UTT/17/1896/FUL. He said application UTT/17/1896/FUL had been recommended for refusal by officers but Members had resolved to approve the application, subject to suitable conditions that would be approved at a later date. These conditions were outlined in the report presented to Members.

RESOLVED to approve the conditions set out in the Chief Officer's report.

PC124 **CHIEF OFFICER'S REPORT: UTT/18/0722/TCA**

The Development Manager sought the Committee's consideration of a notification of intent to re-site twelve ornamental pear trees from the paddock area at The Delles, Carmen Street, Great Chesterford.

RESOLVED to approve the application in the Chief Officer's report.

The meeting ended at 6.30pm.

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## UTT/17/2868/OP – (NEWPORT)

(More than five dwellings)

**PROPOSAL:** Outline planning application for the development of up to 150 dwellings (Use Class C3), provision of land for community allotments, associated strategic landscaping, open space, and associated highways, drainage and other infrastructure works, with all matters reserved for subsequent approval apart from the primary means of access, on land to the South of Wicken Road, Newport

**LOCATION:** Land to the South of Wicken Road, Newport

**APPLICANT:** Countryside Properties (UK) Ltd

**AGENT:** Savills (UK) Ltd

**EXPIRY DATE:** 14 May 2018

**CASE OFFICER:** Maria Shoesmith

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### 1. NOTATION

1.1 Countryside.

### 2. DESCRIPTION OF SITE

2.1 The site is located to the south of Wicken Road and to the west of the built-up area of Newport. It comprises 10.11 ha of undeveloped land, with mature trees lining the north-western and western boundaries as well as a public footpath that runs east-west across the middle of the site.

2.2 To the north of the site is Wicken Road and undeveloped fields beyond. Moving clockwise, the site is surrounded by allotments, housing on Frambury Lane, Newport County Primary School, a recreation ground, agricultural land and the M11 motorway.

### 3. PROPOSAL

3.1 The application is for outline planning permission, with all matters reserved except the primary means of access, for the erection of up to 150 dwellings and the provision of land for community allotments. Associated works include strategic landscaping, open space and highways, drainage and other infrastructure works.

### 4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The development constitutes 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011, as confirmed in the screening opinion issued by the Council on 3 March 2017 (UTT/17/0329/SCO). The scope of the environmental impact assessment was established through the Council's issue of a scoping opinion on 14 June 2017 (UTT/17/1315/SO).

4.2 It is noted that the 2011 Regulations apply, rather than the 2017 Regulations, because the applicant requested a scoping opinion before the new legislation came into force on 16 May 2017.

4.3 The application includes an Environmental Statement, which contains the following chapters:

1. Introduction
2. Site description and development proposal
3. Environmental issues and methodology
4. Air quality
5. Archaeology
6. Community and social effects
7. Landscape and visual effects
8. Traffic and transport
9. Cumulative effects
10. Summary

4.4 The Environmental Statement has been amended during the determination period to reflect the removal of an early years centre from the proposal and to include additional information regarding air quality and transport impacts.

4.5 The environmental effects of the development are assessed in this report alongside other material planning considerations, with distinct conclusions drawn where necessary.

## **5. APPLICANT'S CASE**

5.1 The application includes the abovementioned Environmental Statement, as well as the following documents:

- Planning Statement
- Arboricultural Impact Assessment and Tree Condition Survey
- Construction Environment Management Plan
- Design & Access Statement
- Reptile Survey
- Updated Extended Phase 1 Habitat Survey
- Breeding Bird Survey
- GCN Reasonable Avoidance Measures Method Statement
- Biodiversity Validation Checklist
- Flood Risk Assessment and Surface Water Drainage Strategy
- Geo-Environmental Desk Study Report
- Noise Impact Assessment
- Statement of Community Involvement
- Utilities and Servicing Statement
- Health Impact Assessment
- Built Heritage Statement

## **6. RELEVANT SITE HISTORY**

6.1 There is no recent, relevant planning history for the site.

## **7. POLICIES**

- 7.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:
- (a) the provisions of the development plan, so far as material to the application, (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.
- 7.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.3 Relevant development plan policies and material considerations are listed below. It is noted that a Newport, Quendon & Rickling Neighbourhood Plan is being prepared, although a draft document is not yet available so no weight may be afforded to its future policies. Furthermore, the District Council's Regulation 18 Local Plan represents an early stage of plan preparation, such that no significant weight may be given to its policies.

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

- 7.4 S7 – The Countryside
- GEN1 – Access
  - GEN2 – Design
  - GEN3 – Flood Protection
  - GEN4 – Good Neighbourliness
  - GEN5 – Light Pollution
  - GEN6 – Infrastructure Provision to Support Development
  - GEN7 – Nature Conservation
  - GEN8 – Vehicle Parking Standards
  - ENV2 – Development affecting Listed Buildings
  - ENV3 – Open Spaces and Trees
  - ENV4 – Ancient Monuments and Sites of Archaeological Importance
  - ENV5 – Protection of Agricultural Land
  - ENV7 – The Protection of the Natural Environment – Designated Sites
  - ENV8 – Other Landscape Elements of Importance for Nature Conservation
  - ENV10 – Noise Sensitive Development and Disturbance from Aircraft
  - ENV12 – Protection of Water Resources
  - ENV13 – Exposure to Poor Air Quality
  - ENV14 – Contaminated Land
  - H1 – Housing Development
  - H9 – Affordable Housing
  - H10 – Housing Mix

### **Supplementary Planning Documents/Guidance**

- 7.5 SPD – Accessible Homes and Playspace (2005)  
SPD – Energy Efficiency and Renewable Energy (2007)  
The Essex Design Guide (2005)  
Parking Standards: Design and Good Practice (2009)  
Uttlesford Local Residential Parking Standards (2013)

## **National Policies**

- 7.6 National Planning Policy Framework (NPPF) (2012)
- paragraphs 14, 17, 32-39, 41, 47-49, 55, 58, 75, 95-96, 100-104, 112, 113, 118, 120-125 & 128-135
- Planning Practice Guidance (PPG)
- Air quality
  - Climate change
  - Conserving and enhancing the historic environment
  - Design
  - Environmental Impact Assessment
  - Flood risk and coastal change
  - Housing: optional technical standards
  - Land affected by contamination
  - Light pollution
  - Natural environment
  - Noise
  - Open space, sports and recreation facilities, public rights of way and local green space
  - Planning obligations
  - Rural housing
  - Transport evidence bases in plan making and decision taking
  - Travel Plans, Transport Assessments and Statements
  - Water supply, wastewater and water quality
- House of Commons Written Statement: Sustainable drainage systems (HCWS161) (2014)
- Planning Update: Written statement (HCWS488) (2015)
- Rights of Way Circular 1/09 (Circular 1/09)
- The town and country planning (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002 ('Safeguarding Direction')

## **Other Material Considerations**

- 7.7 West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) (2015)
- Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)
- Housing Trajectory 1 April 2017 (August 2017)
- Landscape Character Assessment (LCA) (2006)
- Newport Conservation Area Appraisal and Management Proposals (2007)
- Newport Village Plan (2010)

## **8. PARISH COUNCIL COMMENTS**

- 8.1 Objection, on the following grounds:
- The proposed development is not in the Newport Village Plan (2010)
  - The proposed development is not in the Uttlesford Local Plan (2005)
  - The proposed development is not in the Uttlesford Regulation 18 Local Plan (2017)
  - The proposed development is not in the draft Newport Quendon Rickling Neighbourhood Plan (2017)
  - The site is outside the village development limits
  - Increased traffic
  - Unsafe road access

- Harmful effect on the character and appearance of the area
- Overstated economic and other benefits
- Air and noise pollution
- Loss of best and most versatile agricultural land
- Inadequate community engagement
- Insufficient benefit from contribution to housing land supply
- Misleading Planning Statement

8.2 The Parish Council's comprehensive letter of objection incorporates a number of detailed assessments. A further Transport Report and an Air Quality & Noise Pollution Assessment were submitted following amendments to the applicant's Environmental Statement.

8.3 Wicken Bonhunt and Arkesden Parish Councils have raised concerns regarding traffic impacts and road safety.

8.4 It should be noted that Newport Parish Council have commissioned an independent assessment of the transport implications.

## 9. CONSULTATIONS

### Councillor Neil Hargreaves

9.1 Objection. Concerns include:

- Lack of sustainable transport options
- Increased traffic congestion
- Dangerous site access
- Harmful 'rat-running' would be encouraged
- Harmful reduction in air quality, breaching UK and EU limits
- Adverse effect on the character of the area
- Harmful noise levels for the future residents
- Lack of need in Newport for additional housing
- Inadequate contributions to local infrastructure
- The site has not been included in the Council's draft Local Plan

### Landscape Officer

9.2 "The application site falls within the broad character designation 'Cam River Valley' as described in the Landscape character Assessment (Chris Blandford Associate 2009), however, the site is on the valley slopes of the tributary Wicken Water which sets it apart from much of the existing settlement pattern of Newport. The illustrative masterplan shows the proposed housing concentrated on the lower valley slopes. Whilst this disposition would reduce the development's potential impact on the valley ridge line, it increases the sense of separation between the development and the existing settlement.

For the greater part the proposals included dwellings with a ridge height of up to 11m (two and a half storeys), and in the south-western part of the site ridge heights up to 12.5m (three storeys). The provision of multiple dwellings with heights above 10m (two storeys) is not considered to be appropriate in the context of a surrounding rural landscape.

The existing broad tree belt running along the north edge of the site, and the woodland belts to the western edge provide a level of enclosure and screening of

much of the site. The existing tree belt bisecting the site would serve to soften to some extent the built form of parts of the development.

The proposed new access off the Wicken Road would necessitate the removal of a number of trees. Whilst individually these trees are not considered to be of significant amenity value, their loss would have a detrimental impact on the integrity of the tree belt that runs along this section of the Wicken Road, although this in itself is not considered to be highly significant. The loss of other trees indicated to be removed on the site to accommodate the internal road network is considered to have limited impact.”

### **Conservation Officer**

#### 9.3 Extract:

“Although the site itself does not contain any designated or non-designated heritage assets, nor is it situated within a conservation area boundary, number of listed buildings can be found in the wider locality and within nearby Newport Conservation Area. The site itself is topographically interesting with land sloping down towards Wicken valley and areas of mature vegetations. From certain vantage points the tower of Church of St Mary the Virgin, grade I listed building can be seen from within it. As the local designated heritage assets are some considerable distance from the development site it has to be said that a potential development is unlikely to result in harm or loss to the significance of the setting of listed buildings in the locality.

However, by and large Newport is a linear historic village. This proposal would further exacerbate the departure from this historic concept. It is outside defined development limits and therefore within the open countryside for planning policy purposes, which should be protected for its own sake. Additionally it is on one of the principle entry routes into the settlement either by vehicle or foot as well as it can be crossed by a public foot path. Clearly the change from an open field to built-form would intrinsically alter its character in terms of openness and visual character which would be very noticeable to users of these routes.

Should on balance any possible public benefits outweigh the concerns any detailed design with most rigorous mitigating scheme leading to the reduction of harm must be negotiated.”

### **Highway Authority (Essex County Council)**

#### 9.4 No objections. Extract from response dated 13/02/2018 (received 27/03/2018):

“Essex County Council in their capacity as Highway Authority has thoroughly assessed the highways and transportation information submitted in support of the above planning application. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework and in particular paragraph 32, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

The Transport Assessment accompanying the planning application has been considered in detail and the Highway Authority is satisfied that, whilst there may be some short-term delay in the vicinity of the Wicken Road and the High Street at peak times, the number of trips generated by the proposed residential development

will not have a severe impact and can be accommodated safely and efficiently on the local highway network.”

Additional comments regarding Newport Parish Council’s Railton report have been received and will be addressed in the main report.

**Education Authority (Essex County Council)**

9.5 Requests the use of a S106 agreement to secure financial contributions to mitigate the impacts of the proposal on the provision of childcare, primary education and secondary education. The contributions would be finalised on the basis of the final housing mix, although the estimated costs are as follows (April 2017 figures):

- Early years and childcare: £196,007
- Primary education: £573,030
- Secondary education: £580,350

**West Essex Clinical Commissioning Group (NHS)**

9.6 No objections, subject to the securement through a S106 agreement of £59,133 to mitigate the impacts of the proposal on primary healthcare provision in the area.

**Housing Enabling Officer**

9.7 No objections, subject to suitable affordable housing provision. Extract:

“The mix and tenure split of the properties are given below; this mix should be indistinguishable from the market housing, in clusters of no more than 10 with good integration within the scheme and be predominately houses with parking spaces.”

Name of Scheme	Land to the South of Wicken RD, Newport UTT-17-2868-OP				Totals
	1 bed	2 bed	3 bed	4 bed	
Affordable Rent	4	17	16	3	40
Shared Ownership	2	6	7	1	16
Sub Total	6	22	23	5	56
Affordable Rent (bungalows)	1	1			2
Shared Ownership (bungalows)	0	2			2
Sub Total	1	3	0	0	4
Grand Total	7	25	23	5	60
Market Bungalows					4

**Environmental Health Officer**

9.8 Recommends approval, subject to conditions. An initial consultation response raised no objections regarding contamination or noise, although concerns were raised about the air quality information. Following the applicant’s submission of further information, the below comments were provided to update the position on air

quality (26/02/2018):

“This response addresses the comments made to date and changes to the air quality assessment and the results of these comments and other communication.

The UDC Officers comments in a memo dated 5th December 2017 raised a number of issues some of which were addressed in an email dated 18th December 2017. An updated air quality assessment was submitted dated February 2018. This report had some changes within it including using 2016 data for background and baseline year.

The updated air quality assessment predicts lower levels around the most affected area (the junction of Wicken Road and High Street) represented by R10 and R11 in the report. The impact is similarly reduced in the report and is considered to have a ‘slight’ impact (both alone and with committed development) as compared to a ‘moderate’ impact in the earlier report. I have tried to contact the author of the reports for further clarification on this matter but have been unable to do so given the short timescale I was afforded.

Since the first report was submitted and assessed, the issue of air quality exceeding national objectives for NO<sub>2</sub> was considered by UDC and a diffusion tube site was deployed at the Wicken Road/High Street junction to measure levels at this location. This tube site started in September 2017 and so the results obtained so far are only indicative, however, monthly averages have been: September 36.3, October 35.4, November 40, December 40.5 ug/m<sup>3</sup>, Mean for 4 months: 38.05 ug/m<sup>3</sup>. This only represents 33% of a year and so too early to draw any definite conclusions. However, with the corrections of summer time monitoring (lower NO<sub>2</sub> levels normally prevail in the summer months), bias correction and distance attenuation corrections the annual mean is almost certainly to be lower than this. This would mean that the objective for NO<sub>2</sub> would not be breached. It also corresponds with the conclusions drawn in the updated air quality assessment.

With these matters in mind, air quality needs to be addressed: the construction phase could give rise to impacts on neighbouring properties and this can be dealt with through the Construction Environmental Management Plan and, for the operational phase, the report concludes that mitigation should be provided in this development.”

Further comments, dated 11/04/2018, stated as follows:

“Further to my comments dated 5th December 2017, a revised air quality assessment (AQA) dated February 2018 has been prepared.

This latest assessment has some changes in modelling inputs, and has taken account of traffic to be generated by the committed development west of London Road (UTT/15/1869/OP) recently allowed on appeal, and omission of land for an early year’s centre which will be the subject of a further application. These comments are in relation to air quality matters raised by this new assessment, and to submissions on noise and air quality by Newport Parish Council. Previous comments on noise and land contamination remain valid.

#### Air Quality

The updated air quality assessment predicts raised levels of emissions at all receptors modelled, with and without the development. The exception is two receptors close to the junction of Wicken Road and High Street, represented by

R10 and R11 in the report. The levels predicted in the opening year taking account of committed development at these two locations are 30.6 ug/m<sup>3</sup> and 34.1 ug/m<sup>3</sup> respectively, the latter being the location where levels are predicted to be highest of all receptors.

These lowered figures are due to treating the location of the receptors in the previous assessment as a street canyon. A canyon is where tall buildings are located either side of a narrow road, potentially trapping pollutants, and would have produced an overly conservative scenario at this location. The latest predictions are more consistent with nearby receptors, and with indicative monitoring at the location by UDC. In all, 9 receptors have predicted levels within the range from 30 to 34.1 ug/m<sup>3</sup>.

When considering the significance of the impact on the receptors, available guidance requires account to be taken of the magnitude of change in terms of the percentage change in concentration relative to the air quality objectives and how close it will be to the objective. At the revised AQA places the overall impact as "slight".

The Transport Report dated March 2018 prepared by Railton on behalf of Newport PC has been considered. Concern is raised at the risk of emissions breaching the air quality objective level related to the annual mean, and the risk of short term exposure by pedestrians.

Para 3.4 states:

*"It is understood that the junction currently experiences concentrations of nitrogen dioxide that exceed the EU and UK limit value of 40 micro-grammes per cubic metre. Given the close proximity of dwellings and the use of the junction by numerous pedestrians including many of those who would be walking to and from the proposed development, this exceedance significantly increases the sensitivity of the junction to increased levels of traffic, and in particular, queuing traffic."*

There is currently insufficient monitoring data to substantiate this comment. UDC has deployed a diffusion tube to monitor levels of nitrogen dioxide (NO<sub>2</sub>) levels at a receptor close to the junction the Wicken Road/High Street junction since September 2017. The results obtained so far can only be indicative, and it is too early to draw any definite conclusions about the annual mean. The mean for the four months to the end of the year is 38.05 ug/m<sup>3</sup>. Lower NO<sub>2</sub> levels normally prevail in the summer months producing a lower annual mean. In addition, diffusion tube results are always adjusted against more accurate automatic station data. In the last 7 years, this has resulted in a further lowering.

As an illustration, tube no UT001 in Saffron Walden recorded a mean of 45 ug/m<sup>3</sup> for the months Sept – Dec 2016, producing an annual mean of 40 ug/m<sup>3</sup>, equal to annual mean air quality objective. The annual mean at the Wicken Road site will almost certainly be lower than 38 and would mean that the objective for NO<sub>2</sub> would not be breached. It also corresponds with the conclusions drawn in the revised AQA.

With regard to the exposure of pedestrians using the junction, the short term objective states that 200 ug/m<sup>3</sup> when measured as an hourly mean, should not be exceeded more than 18 times each year. Research has shown that the hourly objective is unlikely to be exceeded where the annual mean is less than 60 ug/m<sup>3</sup>.

The Air Quality and Noise Pollution assessment by Newport Parish Council dated March 2018 has been considered, and the following comments are made:

Para 1(d) : Reference is made to an increase in traffic on Wicken Road and High Street. Applying a lineal increase to UDC diffusion tube readings from Sept-January to extrapolate an annual mean is inappropriate. A recognised dispersion model must be used for this purpose, using a ratified annual mean, and taking account of many other factors including background NO<sub>2</sub> levels, fleet make up and future vehicle emissions.

Para 1(f) : Reference is made to lack of validation of the modelling in the AQA. The validation process is set out and utilises monitored data from the UDC diffusion tube close to the M11, which is acceptable.

In conclusion, the AQA recommends mitigation, and the impact on air quality with mitigation is unlikely to be grounds for refusal. Nevertheless, the proposal will be contributing to an upward trend in emissions. Conditions are therefore requested to be addressed at the detailed stage and prior to first occupation, to minimise the impact of the operational phase by encouraging the use of low emission vehicles and non- car travel, by provision of the following:

- an electric vehicle charge point at any garage or allocated parking space associated with a dwelling
- Secure, convenient, covered storage for motorised and non motorised cycles at each dwelling to be provided prior to occupation
- Safe pedestrian access along Wicken Road east and Frambury Lane to link with village amenities

#### Noise

The comments in the Air Quality and Noise Pollution assessment by Newport Parish Council relating to outside amenity areas are valid.

NPPF states that planning policies and decisions should “aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development”. Guidance on the impact of a noisy environment is set out in WHO Guidelines for Community Noise, which recommends the level in outdoor living areas should not exceed 55 dB LAeq,T to protect the majority of people from being seriously annoyed by noise during the daytime.

The noise impact assessment carried out by Ardent demonstrates that the area of the site closest to the M11 will experience levels slightly in excess of the outdoor amenity guideline level. At this outline stage it is not possible to determine how many dwellings will be located within the area, and it will be possible through design and layout to minimise the area. The provision of protected external amenity space for the sole use of a group of residents should be considered. The proposal to provide solid boundary treatment alone is unlikely to be sufficient.

A condition is therefore recommended to require the submission of a scheme prior to occupation for mitigation of noise in outdoor amenity areas to meet the guideline level of 55 dB LAeq 07.00 hrs to 23.00 hrs.”

#### **Lead Local Flood Authority (Essex County Council)**

9.9 No objections, subject to conditions.

### **Historic Environment Advisor (Place Services)**

9.10 No objections, subject to conditions. Extract:

“The Historic Environment Record and the desk top study submitted with the application indicate that the proposed development lies within a potentially sensitive area of heritage assets. The desk based assessment has failed to identify the presence of an extensive Saxon and early medieval cemetery associated with St Helens Chapel to the west of the development area which is known to extend beneath the M11. The HER shows that the development area contains at least one windmill site (EHER 21265), with the geophysical survey, submitted with the application, indicating the presence of a further small circular enclosure within a much larger enclosure interpreted as a second windmill. The definition of the Uttlesford historic environment characterisation submitted with the desk based assessment identifies the application area as having potential high significance for surviving archaeological deposits.”

### **Highways England**

9.11 No objections.

### **Ecological Consultant (Place Services)**

9.12 No objections, subject to conditions. Extract:

“The mitigation and enhancement measures identified in the extended Phase 1 Habitat report (James Blake Associates, July 2017) should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species particularly bats, reptiles and breeding birds.

Once updated surveys have been completed, a revised Construction Ecological Management Plan should be prepared to highlight precautionary working practices, suitable timings for works and monitoring requirements. An additional farmland bird’s mitigation strategy and lighting design strategy should also be provided. This will ensure that all protected and priority species are safeguarded during the construction process and that appropriate mitigation measures have been provided. An Ecological Design Strategy should also be provided to address ecological enhancements identified in the extended Phase 1 Habitat report (James Blake Associates, July 2017).

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed are reasonable and will contribute to this aim.”

### **Natural England**

9.13 No objections regarding statutory conservation sites. Extract:

“Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Debden Water SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.”

### **Environment Agency**

- 9.14 No objections, subject to a condition to secure the submission of a foul water disposal scheme. Advisory comments are made in relation to waste and water resources.

### **Anglian Water**

- 9.15 No objections, subject to a condition to secure the approval of a foul water strategy.

### **Affinity Water**

- 9.16 No objections.

### **Stansted Airport**

- 9.17 No objections, subject to a condition. Extract:

“The proposed development has been examined for aerodrome safeguarding in particular, birdstrike avoidance. We request that we are consulted should this development proceed to a full planning application and full details of the SUDs storage basins are known.”

### **NATS Safeguarding**

- 9.18 No objections.

### **Essex Police**

- 9.19 Would like the development to achieve a ‘Secure by Design’ award.

### **UK Power Networks**

- 9.20 Advisory comments regarding electricity apparatus.

## **10. REPRESENTATIONS**

- 10.1 Neighbours were notified of the application by letter, and notices were displayed near the site and in the local press.

The following concerns have been raised among the submitted representations:

- 1) Inadequate road capacity e.g. Wicken Road/ B1383 junction
- 2) Adverse effect on road safety
- 3) Reliance on car travel
- 4) Lack of sustainable transport opportunities
- 5) Unsuitable parking provision
- 6) Rear access to the properties on the western side of Frambury Lane should be preserved
- 7) Harm to the character and appearance of the area
- 8) Light pollution
- 9) Air pollution
- 10) Inadequate amenity for existing and future occupiers due to noise pollution
- 11) Loss of biodiversity value
- 12) Loss of agricultural land

- 13) Loss of a public footpath
- 14) Increased risk of flooding
- 15) Increased energy demand
- 16) Risk of crime
- 17) Insufficient affordable housing provision
- 18) Inadequate infrastructure e.g. education, healthcare, drainage, water and sewerage
- 19) Increased burden on emergency services
- 20) Lack of local employment opportunities
- 21) No local need for new housing
- 22) Cumulative impacts associated with other approved developments
- 23) Nuisance during construction
- 24) Social impacts associated with significant increase in population
- 25) Inadequate community engagement
- 26) Other locations would be better suited to the proposed development
- 27) Reduction in nearby property values

Most of the above numbered points relate to issues which are addressed in the below appraisal. However, it should be noted in respect of point 26 that the application must be assessed on its own merits and that a preference for alternative locations is not in itself a ground for refusal. Furthermore, the perceived effect on property values (point 27) is not a material planning consideration.

## 11. APPRAISAL

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

- A Location of housing (S7, H1, 55 & PPG)
- B Character, appearance and heritage (S7, GEN2, GEN5, ENV2, ENV3, 17, 58, 113, 125, 128-134 & PPG)
- C Transport (GEN1, GEN8, 32-39, 41, 75, PPG, HCWS488, Circular 1/09 & Safeguarding Direction)
- D Accessibility (GEN2, 58 & PPG)
- E Crime (GEN2, 58 & PPG)
- F Energy and water (GEN2, 95-96 & PPG)
- G Amenity (GEN2, GEN4, ENV10, 17, 123 & PPG)
- H Flooding (GEN3, 100-104, PPG, HCWS161 & SFRA)
- I Infrastructure (GEN6)
- J Biodiversity (GEN7, ENV7, ENV8, 118 & PPG)
- K Archaeology (ENV4, 128-135 & PPG)
- L Agricultural land (ENV5 & 112)
- M Contamination (ENV12, ENV14, 120-122 & PPG)
- N Air quality (ENV13, 124 & PPG)
- O Affordable housing (H9 & PPG)
- P Housing mix (H10 & SHMA)
- Q Housing land supply (47-49)

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

- 11.1 The site's location beyond the Development Limits for Newport ensures that residential development does not accord with Local Plan policies on the location of housing. However, its position adjacent the built-up area of the village ensures compliance with paragraph 55 of the NPPF, which supports the growth of existing settlements.

**B Character, appearance and heritage (S7, GEN2, GEN5, ENV2, ENV3, 17, 58, 113, 125, 128-134 & PPG)**

- 11.2 The proposed development involves residential development on open and undeveloped agricultural fields, which form part of the rural landscape surrounding Newport. Such a change is inherently harmful to the character of the area, although it is necessary to establish the degree of harm.
- 11.3 The Council's Landscape Character Assessment (2006) provides an assessment of landscape character in the area, and the applicant has assessed the development's impact in various documents including the Arboricultural Impact Assessment, Design & Access Statement and Chapters 7 and 9 of the Environmental Statement.
- 11.4 The submitted details have been fully assessed by the Council's Landscape Officer, who has identified that the erection of multi-storey housing on the site would have a detrimental effect on landscape character. It has also been suggested that the proposed open space would separate the development from the rest of the village. However, the consultation response confirms that retained tree belts would serve to mitigate the effect of the development.
- 11.5 The site's relatively large area in the context of Newport and the visibility of the site ensure that there would be more than a limited effect on landscape character. However, retained mature vegetation on the northern and western boundaries would have a significant screening effect, while a suitable landscaping scheme along the southern boundary could also have a mitigating impact. Furthermore, the position of the site adjacent the existing settlement serves to contain the urban area, with the integral open space considered an appropriate feature serving both the development and the village. The site is not in an area protected for its landscape value within the meaning of NPPF paragraph 113 so the weight given to its importance must be consistent with this status. It is concluded that the adverse effect would be moderate, not substantial.
- 11.6 In drawing the above conclusion, regard has been had to the visibility of the site from the M11 motorway. Views would be possible, but they would be fleeting given the high speeds travelled by motorists and not so significant as to cause a substantial adverse effect overall.
- 11.7 Within the vicinity of the site are the Newport conservation area and various listed buildings, including the Grade I listed St Mary's Church. Taking into account the comments of the Conservation Officer, it is considered that there would be no significant adverse effects on heritage assets or their settings. The observations regarding the historic settlement pattern are noted, although it is considered that this does not represent significant harm to a heritage asset.
- 11.8 In assessing the proposal's effect on listed buildings and conservation areas, regard has been had to the Council's statutory duties under S66(1) and S72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

**C Transport (GEN1, GEN8, 32-39, 41, 75, PPG, HCWS488, Circular 1/09 & Safeguarding Direction)**

- 11.9 The site is located within a relatively large village, which possesses a range of services and facilities that include a primary school, secondary school, doctor's surgery, pubs and shops. Easy pedestrian and cycle access to the village centre would be possible via Frambury Lane. Newport is also well-served by public

transport, with regular bus and train services offering access to Saffron Walden, Bishops Stortford, Cambridge and London. It is therefore concluded that the sustainable transport objectives of the above policies would be met.

- 11.10 The submitted Environmental Statement includes a detailed assessment of the development's impact on road safety, capacity, sustainable transport opportunities and mitigation measures. The highway authority has carefully considered the submitted information, which addresses cumulative impacts. In its response, regard is had to the likelihood of some short-term delays in the vicinity of the Wicken Road and High Street junction at peak times, although it is concluded that the proposal would not have a severe impact on the local highway network.
- 11.11 In addition to an assessment of the application documents, the highway authority has considered in detail the comments of Newport Parish Council and its transport consultant, Railton Ltd.
- 11.12 A report has been undertaken by Railton Ltd on behalf of Newport Parish Council. This report outlined the level of visibility splays that would be required as a result of 150m hedgerow and trees being removed. The speed along Wicken Road was discussed in the report and highway safety implications. The number of vehicles trips and the suitability of the ghost island as opposed to a priority junction. An argument was made that the junction would need to be designed as a result which would have further landscaping and a new highway risk to pedestrians.
- 11.13 The sensitivity regarding the Wicken Road/High Street junction was discussed and stated would be further compounded by the proposed development in terms of queuing and vehicles turning into the road.
- 11.14 The methodology used for the trip distribution and the modelling was also disputed.
- 11.15 A response by the agent was received addressing the points made.
- 11.16 ECC Highways have also be consulted on the report and have stated the following;

***“Proposed access arrangements***

*The application proposes the development will be served by a simple priority junction onto Wicken Road. Wicken Road is a single carriageway and is subject to a national speed limit (60mph); this limit reduces to 30mph adjacent property no. 85 Wicken Road.*

*Speed surveys were carried out by the applicant on Wicken Road using Automatic Traffic Counts (ATC's) in July 2016. Given that the recorded speeds were lower than the legal speed limit of Wicken Road, the visibility splays presented in the Transport Assessment is considered compliant. Table 4.1 Wicken Road ATC Results details the 85%ile results, as shown below:*

*-2.4m x 120m Westbound 85%ile speed of 38.5mph  
-2.4m x 140m Eastbound 85%ile speed 42.7mph*

*The distribution of development traffic indicates that predominantly vehicles will exit the development in an eastbound direction and return in a westbound direction. Only a small proportion of vehicles are expected to exit the development in a westbound direction and return in an eastbound direction. The Highway Authority are satisfied that this would accurately reflect the distribution of development traffic given the proximity of the main road network to the east. On this basis whilst in*

*terms of total traffic flows generated by the development and using Wicken Road consideration could be given to a ghost island right turn lane this is marginal and when account is taken of low occurrence of right turning vehicles the Highway Authority do not consider a ghost island to be necessary.*

*The Highway Authority concur that a simple priority junction could adequately serve the proposed development.*

*The provision of a footway fronting the development has been addressed by condition included within our recommendation submitted to Uttlesford District Council. This provision and the internal footway connections will allow pedestrians a choice of route to local services and facilities and the public rights of way network.*

*The matter of tree/hedgerow removal is not a consideration for the Highway Authority. This matter would be considered by Uttlesford District Council as part of the planning balance. The Highway Authority would of course be prepared to work with the applicant and Uttlesford District Council to review any specimen trees that may be identified and whether they could remain within the visibility splay.*

#### **Impact on local highway network**

*With regards to traffic flows, Railton suggest that taking an average of 4 days traffic flows is an unorthodox approach. This is correct, but only because one day's data is normally all that is available. Taking the average of four days in fact provides a reasonable level of confidence that the observed flows are relatively typical. Furthermore, the survey dates were in January and February. Traffic flows in the winter months are often higher than the rest of the year as the weather is less conducive to walking, cycling etc. Consequently, the Highway Authority is satisfied that a robust assessment has been completed of the Wicken Road / B1383 junction.*

*Additionally, Railton have questioned the number of development trips being assigned to Wicken Road west of the proposed development site. However, only 11 trips have been assigned to this route in the AM peak and only 6 in the PM peak. Whilst it may therefore be possible to question a handful of these trips, the numbers are negligible in highway capacity terms and would not cause a significant change to the indicated performance of the Wicken Road / B1383 junction.*

*Further points have been raised regarding queueing traffic conflicting with parked vehicles and the frequency of larger vehicles conflicting with pedestrians. Residential developments are unlikely to increase the frequency of larger vehicles; there may be a bin lorry once a week and the occasional supermarket delivery vehicle. However these are often at off-peak times."*

- 11.17 Highways England was consulted due to the proximity of the site to the M11 motorway. Its response raises no objections.
- 11.18 The Council's minimum residential parking standards apply to the proposed development. However, compliance would be assessed at the Reserved Matters stage.
- 11.19 Public Footpath 11 crosses the site in an approximately east-west direction, joining Byway 10 at the western edge of the site. Bridleway 16 extends beyond the southern end of Frambury Lane. The application does not propose the removal or diversion of the public rights of way, although it is clear that at least one crossing of the footpath would be necessary. Taking into account the comments of the highway

authority, it is considered that there would be no adverse effects in principle and that appropriate design details could be agreed at the Reserved Matters stage.

- 11.20 Stansted Airport, in its capacity as Aerodrome Safeguarding Authority, has not raised any objections to the proposal. However, it has highlighted the potential for landscape and drainage features to increase the likelihood of birds using the site, thereby increasing the risk of birdstrike. Full details of the landscaping would be submitted at the Reserved Matters stage, at which point Stansted Airport would be consulted.

**D Accessibility (GEN2, 58 & PPG)**

- 11.21 Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' require compliance with the Lifetime Homes standards. However, these standards have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Should planning permission be granted, a condition could be used to ensure that 5% of the dwellings are built in accordance with Requirement M4(3) of the Building Regulations, and the remainder with Requirement M4(2).

**E Crime (GEN2, 58 & PPG)**

- 11.22 Essex Police has commented on the application, suggesting that it would be desirable for the developer to seek to achieve a Secure by Design award. The development's contribution to crime prevention would be assessed at the Reserved Matters stage, when a detailed design could be evaluated.

**F Energy and water (GEN2, 95-96 & PPG)**

- 11.23 For a residential development of the proposed scale, the SPD entitled 'Energy Efficiency and Renewable Energy' aims to achieve a six star rating by reference to the Code for Sustainable Homes, secure 10% of the development's energy requirements from on-site renewable/low-carbon technology and incorporate a combined heat and power (CHP) system. However, the dated standards used by this 2007 document and the stricter mandatory Building Regulations that now apply to residential developments ensure that the Council takes the position not to enforce the requirements of the SPD.

**G Amenity (GEN2, GEN4, ENV10, 17, 123 & PPG)**

- 11.24 The detailed design would be assessed at the Reserved Matters stage to ensure that the dwellings are provided with sufficient private amenity space, and to protect existing and future occupants from adverse effects with respect to privacy and daylight.
- 11.25 As for the known effects at this outline stage, it is necessary to consider whether amenity levels would be acceptable with respect to noise. While the primary access position would not give rise to significant nuisance to existing residents, the M11 motorway has the potential to cause nuisance to the occupants of the proposed dwellings. Taking into account the comments of the Environmental Health Officer, it is considered that appropriate noise mitigation measures could be secured using a condition. A further condition could also protect existing residents from the noise associated with construction activities.

## **H Flooding (GEN3, 100-104, PPG, HCWS161 & SFRA)**

11.26 Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The SFRA confirms that the site is not in an area at risk of flooding but, as the proposal is a 'major development', HCWS161 requires the use of a sustainable drainage system. Taking into account the comments of the lead local flood authority, it is considered that an appropriate system could be secured using conditions.

## **I Infrastructure (GEN6)**

11.27 The education authority, Essex County Council, has identified that the development would give rise to a significant increase in demand for early years and childcare provision, and primary and secondary education. The necessary financial contributions towards increasing capacity could be secured using a S106 agreement.

11.28 It has been confirmed within the planning submission that 40% affordable housing would be provided on site in accordance with Local Plan Policy H9.

11.29 It should be noted that the early years facility initially forming part of the application has been removed from the scheme as this did not comply with CIL Regulations and had unfavourably contributed to other impacts.

11.30 Taking into account the comments of the primary healthcare commissioner, West Essex CCG, it is considered that the existing primary healthcare service at Newport Surgery would be unable to absorb the extra demand from the proposed development. It is therefore considered that a financial contribution would be necessary to fund increased healthcare capacity.

11.31 Anglian Water has acknowledged its obligation to increase wastewater treatment capacity, and raised no objections to the development subject to the use of a condition to address the risk of flooding from foul sewerage.

11.32 Affinity Water and UK Power Networks were consulted with respect to water supply and energy infrastructure, with both organisations responding with no objections or requests for conditions or contributions.

## **J Biodiversity (GEN7, ENV7, ENV8, 118 & PPG)**

11.33 The application includes various ecological surveys to establish the potential impact of the development on biodiversity, and it is noted that the site is located within 2 km of the Debden Water Site of Special Scientific Interest (SSSI). Taking into account the comments of the Council's ecological consultant, it is considered that there would be no significant adverse effects on biodiversity provided that conditions would be used to secure appropriate mitigation and enhancement measures. Furthermore, Natural England has raised no objections on the basis that the development would not damage or destroy the interest features for which the Debden Water SSSI has been notified.

11.34 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. These statutory requirements have been met in undertaking the above assessment of biodiversity impact.

**K Archaeology (ENV4, 128-135 & PPG)**

- 11.35 The Historic Environment Advisor has identified that the development has the potential to affect significant archaeological remains. In accordance with the recommendation, it is considered that conditions would be necessary to secure an appropriate programme of archaeological investigation of all areas of proposed ground disturbance, should planning permission be granted.

**L Agricultural land (ENV5 & 112)**

- 11.36 Policy ENV5 seeks to prevent significant losses of the best and most versatile (BMV) agricultural land, and paragraph 112 of the NPPF has a similar objective. While the site is classified as Grades 2 and 3, which is regarded as BMV land, the development would not represent a significant breach of these policies because the land is small in agricultural terms and the high quality of farmland across the majority of the District means that some loss, to particularly meet housing need, is inevitable.

**M Contamination (ENV12, ENV14, 120-122 & PPG)**

- 11.37 The application includes a Geo-Environmental Desk Study Report, which assesses the potential contamination risks associated with the development. Taking into account the comments of the Environmental Health Officer, it is considered that the risk of contamination is low due to the historic agricultural use of the site. Subject to a condition to ensure that any unexpected contamination is appropriately investigated, should planning permission be granted, it is concluded that the proposal accords with the above policies insofar as they relate to contamination.

**N Air quality (ENV13, 124 & PPG)**

- 11.38 The site is adjacent the M11 Poor Air Quality Zone, although the centre of the village also suffers from poor air quality due to high levels of nitrogen dioxide (NO<sub>2</sub>). The Council's Environmental Health Officer has scrutinised the information submitted within the Environmental Statement and concluded that the development is not likely to cause NO<sub>2</sub> levels to breach the National Air Quality Objective of 40 micrograms per cubic metre, as set out in the Air Quality Standards Regulations 2010.
- 11.39 Further comments have been received from Environmental Health following the amended Air Quality Assessment and comments received from Newport Parish Council. These were fully considered by the EHO, as outlined in paragraph 9.8. As a result no objections have been raised subject to conditions to help minimise effects on air quality, it is concluded that the proposal accords with the above policies.

**O Affordable housing (H9 & PPG)**

- 11.40 Policy H9 and its preamble form the basis for seeking affordable housing provision from new residential developments. In this case, the policy indicates that 40% of the dwellings should be affordable homes. It has been confirmed within the application submission that 40% affordable housing will be provided on site. The

Housing Enabling Officer has suggested how these should be delivered, although the mix would be finalised at the Reserved Matters stage.

**P Housing mix (H10 & SHMA)**

11.41 Policy H10 requires that a significant proportion of market dwellings are provided as small units of two or three bedrooms. The mix of the proposed development would be determined at the Reserved Matters stage.

**Q Housing land supply (47-49)**

11.42 Paragraphs 47-49 of the NPPF describe the importance of maintaining a five-year supply of deliverable housing sites. As identified in the most recent housing trajectory document, Housing Trajectory 1 April 2017 (August 2017), the Council's housing land supply is currently 3.77 – 4.2 years. Therefore, contributions towards housing land supply must be regarded as a positive effect.

**12. CONCLUSION**

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

- A** The proposal does not accord with the development plan due to conflicts with policies on the location of housing, countryside character and the protection of agricultural land.
- B** Notwithstanding the above, it is necessary to consider whether the proposal represents 'sustainable development' in the context of the NPPF. The tilted balance at paragraph 14 is engaged because relevant policies for the supply of housing, including the associated site allocations and Development Limits, are out of date. In this case, the following positive and adverse effects have been identified:

Positive effects:

- Enhancement to the vitality of a rural community (moderate weight)
- Contribution towards housing land supply (moderate weight)

Adverse effects:

- Harm to countryside character (moderate weight)
- Loss of best and most versatile agricultural land (negligible/limited weight)
- Reduction in air quality (negligible weight)

Therefore, it is concluded that the adverse effects of granting planning permission would not significantly and demonstrably outweigh the benefits, such that the proposal represents 'sustainable development' that is supported by the NPPF. It should be noted that adverse effects that can be mitigated by conditions or planning obligations, as described in the above appraisal, are not included in this balancing exercise.

Taking into account the more up-to-date nature of the NPPF with respect to the determining issues, it is considered that the proposal's lack of accordance with the development plan is overridden in this instance. Regard has been had to all other material considerations, and it is concluded that planning permission should be granted.

In making the above recommendation, full regard has been had to the likely significant effects of the development upon consideration of the submitted

**RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO 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 13 June 2018 the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Director: Legal & Governance, in which case he shall be authorised to conclude such an obligation to secure the following:
- (i) On-site provision of affordable housing, amounting to 40% of the total number of dwellings
  - (ii) Payment of a financial contribution towards early years and childcare provision
  - (iii) Payment of a financial contribution towards primary education provision
  - (iv) Payment of a financial contribution towards secondary education provision
  - (v) Payment of a financial contribution towards primary healthcare provision
  - (vi) Payment of the Council's reasonable legal costs
  - (vii) Payment of Monitoring costs
- (II) In the event of such an obligation being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below
- (III) If the freehold owner shall fail to enter into such an obligation, the Assistant Director Planning shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:
- (i) Failure to provide affordable housing provision
  - (ii) Lack of provision of early years and childcare contribution
  - (iii) Lack of provision of primary education contribution
  - (iv) Lack of provision of secondary education contribution
  - (v) Lack of provision of primary healthcare contribution

**Conditions**

1. Approval of the details of layout, access (other than the primary means of access), scale, landscaping and appearance (hereafter called "the Reserved Matters") must be obtained from the local planning authority in writing before development commences and the development must be carried out as approved.

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the Reserved Matters must be made to the local planning authority not later than the expiration of three years from the date of this

permission.

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

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

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

4. The following works must be carried out prior to occupation of any dwelling:
  - a. The proposed site access junction must be provided with bellmouth radii of 10 metres and the new site access road must be provided with a minimum road width of 5.5 metres with 2 metre wide pedestrian footways on each side. The developer must provide pedestrian dropped kerbs and appropriate tactile paving on either side of the site access bellmouth junction.
  - b. The site access and associated visibility splays must be formed in accordance with Drawing No. 16081-01-103 A, contained within the submitted Transport Assessment (Markides Associates, August 2017). The area within each splay must be kept clear of any obstruction exceeding 600mm in height at all times
  - c. A footway to be provided along the entire site frontage on Wicken Road, to tie into the existing footway to the east, measured at a maximum 2m wide where achievable based on the availability of highway land.
  - d. Provision of a shared use pedestrian/cycle access onto Frambury Lane, to be of minimum width 3 metres and with provided with appropriate signage and any required Traffic Regulation Orders entirely at the developer's expense.
  - e. Any new boundary planting must be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

REASON: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by sustainable modes of transport, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

5. Prior to commencement of the development, a written scheme of investigation including a programme of archaeological trial trenching must be submitted to and approved in writing by the local planning authority. The archaeological trial trenching must be carried out in accordance with the approved details prior to commencement of the development.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to allow investigation prior to the loss of archaeological remains.

6. Following completion of the archaeological trial trenching required by Condition 5 and prior to the approval of any Reserved Matters, a mitigation strategy detailing the excavation/preservation strategy must be submitted to and approved in writing by the local planning authority. The works detailed in the mitigation strategy must be carried out in accordance with the approved details prior to commencement of the development.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to allow investigation prior to the loss of archaeological remains.

7. Within three months of the completion of the works required by Condition 6, a post-excavation assessment (including 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) must be submitted to and approved in writing by the local planning authority.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

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

- 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.

Thereafter the development must be carried out in accordance with the approved CEMP: Biodiversity.

REASON: To conserve and enhance biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. Also, to allow the local planning authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

9. Prior to commencement of the development, an Ecological Design Strategy (EDS) must be submitted to and approved in writing by the local planning authority. The EDS must address the recommendations in the submitted extended Phase 1 Habitat report (James Blake Associates, July 2017), and must include:

- 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 must be implemented in accordance with the approved details.

REASON: To conserve and enhance biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. Also, to allow the local planning authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

10. Prior to commencement of the development, a farmland bird mitigation strategy must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved strategy.

REASON: To conserve and enhance biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. Also, to allow the local planning authority to discharge its duties under s40 of the NERC Act (Priority habitats and species). This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

11. Prior to the installation of any external lighting, a lighting design scheme sensitive to biodiversity must be submitted to and approved in writing by the local planning authority. The scheme must:

- identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging
- show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications)

No external lighting shall be installed other than in accordance with the approved scheme.

REASON: To ensure that the development would not disturb bats or prevent bats using their territory, in accordance with the local planning authority's duties under s40 of the NERC Act 2006 (Priority habitats & species).

12. Within three months of commencement of the development, a Landscape and Ecological Management Plan (LEMP) must be submitted to and approved in writing by the local planning authority. The LEMP must include:

- a) A description and evaluation of the 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 LEMP must be implemented in accordance with the approved details.

REASON: To conserve and enhance biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. Also, to allow the local planning authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

13. Prior to commencement of the development, a scheme for the improvement of the existing foul and surface water drainage system must be submitted to and approved in writing by the local planning authority. The scheme must be completed either prior to occupation of any dwelling or in accordance with a phasing schedule contained within the scheme.

REASON: To ensure an adequate method of foul water disposal with no deterioration in water quality or harm to the water environment or general amenity arising from flooding, in accordance with Policy ENV12 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

14. Prior to commencement of the development, a detailed surface water drainage scheme must be submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to equivalent rates (1 in 1, 1 in 30, 1 in 100) for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change
- Provide sufficient storage with the inclusion of long term 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 approved scheme must be completed prior to occupation of any dwelling, or in accordance with a phasing schedule contained within the scheme.

REASON: In accordance with House of Commons Written Statement 161:

Sustainable drainage systems and the National Planning Policy Framework, and specifically:

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

And, in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005)

15. Prior to commencement of the development, a scheme to minimise the risk of off-site flooding and prevent pollution during construction must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved scheme.

REASON: To ensure that the development would not increase flood risk elsewhere or cause water pollution, in accordance with the National Planning Policy Framework. And, in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005). This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

16. Prior to commencement of the development, a detailed Maintenance Plan for the surface water drainage scheme must be submitted to and approved in writing by the local planning authority. The surface water drainage scheme must thereafter be maintained in accordance with the approved Plan.

REASON: To ensure the long-term effectiveness of the surface water drainage scheme, in accordance with House of Commons Written Statement 161: Sustainable drainage systems and the National Planning Policy Framework. 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. This is in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005)

17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported immediately to the local planning authority and work halted on the part of the site affected by the unexpected contamination.

Prior to re-commencement of the development, an assessment of the nature and extent of contamination must be submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a competent person, and must assess any contamination on the site, whether or not it originates on the site. It must include:

- (i) a survey of the extent, scale and nature of contamination
- (ii) an assessment of the potential risks to human health, property (existing or proposed), adjoining land, groundwaters and surface waters
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

The assessment must be conducted in accordance with DEFRA and the

Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11".

If the assessment identifies that remediation is necessary, a detailed remediation scheme must be submitted to and approved in writing by the local planning authority prior to re-commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Remediation must be carried out in accordance with the approved remediation scheme prior to re-commencement of the development. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the local planning authority.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

18. 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 Ardent Consulting Engineers report (Ref: S481-02A) dated August 2017. The scheme shall show outdoor amenity areas to meet the guideline level of 55 dB LAeq 07.00 hrs to 23.00 hrs. 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 residents, in accordance with Policy GEN4 and Policy ENV10 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

19. Prior to commencement of the development, a Construction Environmental Management Plan detailing how nuisance from construction activities will be minimised must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved Plan.

REASON: To protect the amenity of residents, in accordance with Policy GEN4 and Policy ENV10 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

20. Prior to the commencement of the development, a detailed construction management plan shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) Hours of operation, delivery and storage of materials;
- b) Vehicle parking, turning and loading arrangements;
- c) Management of traffic;

- d) Control of dust and dirt on the public highway and wheel washing;
- e) Waste management proposals;
- f) Mechanisms to deal with environmental impacts such as noise and air quality.

REASON: In the interests of highway safety and the control of environmental impacts in accordance with Policy GEN1 and GEN4 of the Uttlesford Local Plan (adopted 2005).

21. No development hereby approved shall commence until a scheme of air quality mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in line with the mitigation suggested in the Ardent Consulting Engineers air quality assessment dated February 2018 (ref: S481-04). The development shall be carried out in accordance with the approved scheme prior to the first occupation of the permitted dwellings.

REASON: To prevent pollution of the environment and protect local air quality in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

22. 5% of the dwellings must be built in accordance with Requirement M4(3) (Wheelchair user dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition. The remaining dwellings must be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

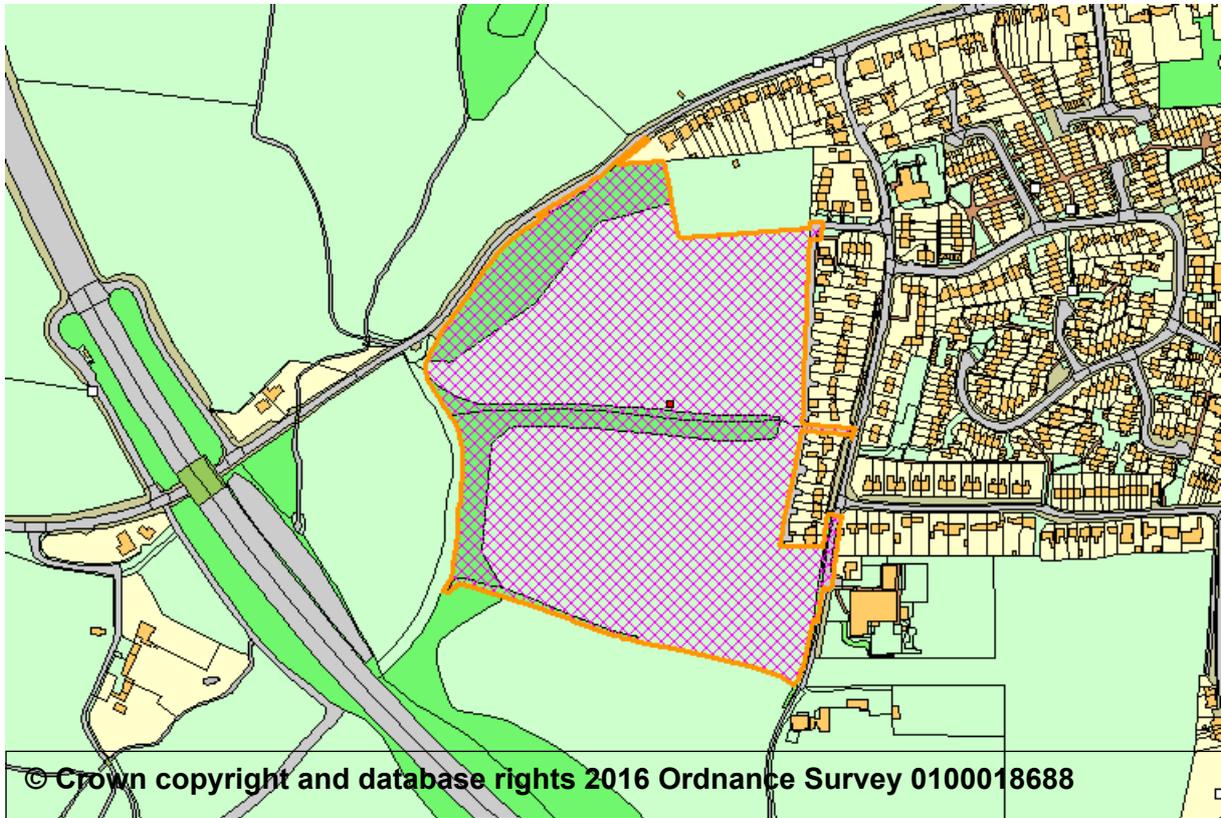
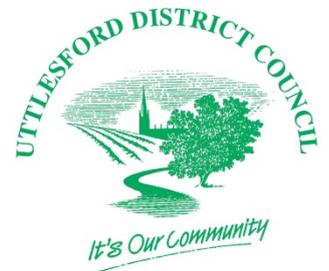
REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

23. All dwellings shall have vehicle electric charging points provided, fully wired and connected, ready to use before first occupation of the site and retained thereafter.

REASON: In the light of the size, scale and location of the development and the number of vehicle movements generated in combination with committed development this will facilitate sustainable modes of transport in a development that will impact on an Air Quality Management Area and in accordance with the National Planning Policy Framework (para35) that 'Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to [...] incorporate facilities for charging plug-in and other ultra-low emission vehicles'. This is in accordance with Policies GEN1 and ENV13 of the Uttlesford Local Plan (adopted 2005).

Application: UTT/17/2868/OP

Address: Land to the South of Wicken Road, Newport



Organisation: Uttlesford District Council

Department: Planning

Date: 27 April 2018

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## UTT/17/1852/FUL – (TAKELEY)

**PROPOSAL:** Residential development of 20 dwellings with associated vehicular access points off Dunmow Road, open space, car parking and associated infrastructure

**LOCATION:** Land Adjacent To Coppice Close, Dunmow Road, Takeley

**APPLICANT:** Mr K Pickering

**AGENT:** Karen Beech

**EXPIRY DATE:** 11 October 2017. Extension of time to 18 May 2018

**CASE OFFICER:** Mrs Madeleine Jones

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### 1. NOTATION

1.1 Outside Development Limits. Within 100m SSSI. Within 6km Stansted Airport. Within 100m of Local Wildlife Site. Within 100m of National Nature Reserve. Within 250m of Ancient Woodland. Within 20m of Flitch Way. Opposite Listed Buildings.

### 2. DESCRIPTION OF SITE

2.1 The application site is a rectangular unmanaged plot of former paddock land, located to the south of the Dunmow Road (B1256) in Takeley and is 1.6 hectares.

2.2 To the south of the site is the Flitch Way a County Wildlife Site and public right of way and beyond that is Hatfield Forest which is a SSSI. To the east, west and north of the site are residential properties. Properties to the east of the site are bungalows in a linear form set back from the road. The northern boundary has mature hedgerow and trees. There is also a ditch along this boundary.

2.3 The site is relatively flat and is currently being used for parking the owner's vehicle within a temporary shelter near to the western field gate onto Dunmow Road. The site has rubble, scrap materials, including derelict trailers, a caravan, derelict sheds and horse stables as well as vehicle parts. The north western corner of the site is characterised by wet ground and a series of shallow ponds.

2.4 There are a number of Grade II listed buildings lining the northern side of the road. Including The Clockhouse (Grade II), Street Cottage (Grade II), Raleigh Cottage (Grade II), Austin Villa (Grade II), Josephs Barn (Grade II). Josephs is a Grade II\* Listed Building.

### 3. PROPOSAL

3.1 The proposal is for the erection of twenty dwellings and new vehicular access onto Dunmow Road, open space, car parking and associated infrastructure.

3.2	Plot	No of bedrooms	Garden sizes (approx. m <sup>2</sup> )	Parking provision	Affordable housing
	1	2	56	2	y
	2	2	65	2	y
	3	3	103	2	y

4		3	288	2	y
5	bungalow	1	260	2	y
6	bungalow	1	126	2	y
7		2	80	2	y
8		2	65	2	y
9		3	125	2	
10		3	153	2	
11		3	211	2	
12		4	288	4	
13		5	268	4	
14		5	285	4	
15		4	285	4	
16		5	278	4	
17		4	234	4	
18		5	277	4	
19		5	260	4	
20		5	260	4	
	Visitor parking			5	

3.3 The original application has been revised to increase the affordable housing provision from 7 to 8. The proposal includes 40% affordable housing.

3.4 The density of the development would be 13 dwellings per hectare.

3.5 There would be a landscape buffer to east west and southern boundaries to mitigate for ecology.

3.6 Revised plans have been received to increase the number of affordable homes from seven, the number of bungalows provided and to increase the number of visitor parking spaces and to provide a buffer with the Flitch Way to the rear of the site.

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

4.1 The application is accompanied by a Design and Access Statement, A Planning Statement, a completed biodiversity questionnaire, a flood risk assessment, an invertebrate habitat survey, a completed SUDs checklist form, an Arboricultural Impact Assessment, Phase 1 Habitat & Protected Species Scoping Assessment, a Reptile survey Report, a Landscape and Visual Impact Assessment, a Transport Statement and a reptile mitigation statement.

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

5.1 DUN/0230/72: Site for two three or four dwelling houses. Refused.

5.2 UTT/0677/78: Outline application for the erection of a dwelling. Refused

5.3 UTT/1230/83: Proposed vehicular access and retention of stable and parking of a caravan. Refused

#### **6. POLICIES**

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

- National Planning Policy Framework

## 6.2 Uttlesford Local Plan (2005)

- Policy S7: The Countryside
- Policy H10: Housing Mix
- Policy H9: Affordable Housing
- Policy GEN1: Access
- Policy GEN2: Design
- Policy GEN6: Infrastructure Provision
- Policy GEN7: Nature Conservation
- Policy GEN8: Vehicle Parking Standards
- Policy ENV7: The Protection of the Natural Environment Designated Sites
- Policy GEN3: Flood Protection
- Policy GEN4: Good neighbourliness
- Policy ENV2: Listed Buildings
- SPD: Accessible Homes and Playspace
- Uttlesford Local Parking Standards

## 7. PARISH/TOWN COUNCIL COMMENTS

- 7.1 Takeley Parish Council oppose this development for the following reasons.
- 7.2 Hatfield Forest is a SSSI and National nature reserve. There is a gate directly into the Forest from the proposed site. There are concerns there would be detrimental impact to the area. The visual amenity provided by Hatfield Forest would be impinged. The landscape erosion of this site would have impact on the Forest and the access point to the Forest would encourage more on foot walkers. It is known that Hatfield Forest is already suffering from increased footfall and this development would further impact.
- 7.3 Five metres from the proposed boundary of the development is the Flitch Way which is heralded, as an Essex Wildlife Site. The ecological effects to wildlife would be detrimental. Hatfield Forest would only be separated by the Flitch Way from this proposed site so there would be an obvious encroachment within a protected wildlife zone.
- 7.4 The area is also known as a migration route for Deer. There is a concern that Deer and other wildlife would be disturbed and that being so close to the road would cause fatality. The actual development would cause loss of amenity to this wildlife.
- 7.5 The removal of trees may also affect foraging bats and there are concerns that replacement trees would be too immature to act as a natural shield to Hatfield Forest. With so many houses proposed, there is concern, that future tree planting may also cause subsidence as the roots spread towards the respective properties.
- 7.6 The area was earmarked as part of the Countryside Protection Zone in the 2005 local plan. Takeley Parish Council support this status and feel that too much land has been taken out of the Countryside protection zone. Due to its immediacy to Hatfield Forest and the Flitch Way the parish council consider the area must be retained as a rural area and this must also be reflected in the next local plan. Takeley Parish Council strongly object to having this status removed and wish to see that this area remains protected after the draft consultation.
- 7.7 The proposed area is not considered as infill land and prevents coalescence with Hatfield Forest whilst also providing a green rural outlook to the backdrop of the listed buildings.

Almost adjacent to the proposed new road is Josephs which is a Grade II listed property. Street Cottage is 17th century and is adjacent to Rayleigh House which is a listed late 14th/15th Century cottage. Austin Villas which is also 15th Century and listed is also within vicinity. The map does not mark out all the properties this development will affect.

- 7.8 Twenty new build dwellings will be out of character to the nature reserve and Forest, acting as a complete contrast to the current green space. The new private homes and affordable homes will not be in keeping with the listed buildings or the rural amenity this land currently enjoys, including large migration of Deer.
- 7.9 There is concern the development would increase light pollution EN19 and disrupt natural habitat either via light pollution or noise, as well as cause a loss of amenity to some neighbours, particularly as vehicles stop to turn into the access point at night times.
- 7.10 Councillors highlighted that the B1256 has already undergone recent traffic calming improvements however the general speed and volume of vehicles means that accessing the road can be problematic. The access point is quite close to the traffic calming islands and there is concern that road safety may be impaired. Turning out on to the B1256 will add to the vehicular movements and amenity of the residents living by the road.
- 7.11 Over-development of the site was noted. It was also observed that only one of the affordable houses was a bungalow. Identified housing need requires more bungalows to take into account an aging population. Housing needs do not require more 5 bedroom homes, despite this being the largest number of private properties being proposed. It was acknowledged that the 40% allocation for affordable housing had not been properly applied. The plans appear to be showing only 6 affordable units instead of the required 8 units. Outstanding units need to be bungalows and revisions made to decrease the number of 5 bed homes. The density of the housing is not considered apportioned properly.
- 7.12 Despite the inconsistencies above, the parish council do not feel the site is suitable for any development and request that due to the SSSI there should be no coalescence.
- 7.13 The Council formally request that the matter be sent to the Planning Committee to decide. The area as previously noted was previously seen in the LDP as an area to be conserved.
- 7.14 Extended to April 18th 2018  
The parish council agree with the Regional Planning Advisor of the National Trust that a buffer zone of trees would not be enforceable long term and would not mitigate impact.

Takeley Parish Council would like to re-iterate earlier comments that the area is outside development limits and has not been earmarked for development in the existing local development plan and is designated Countryside Protection Zone. Takeley Parish Council would also like it to be noted, that the emerging local plan has reinforced the need to maintain the countryside protection zone, following an independent assessment.

## **8. CONSULTATIONS**

## **Essex County Council Ecology**

- 8.1 There is sufficient ecological information for determination and the Reptile Mitigation Strategy and LEMP can be conditioned.
- 8.2 A management company, with demonstrable experience of managing habitat for reptiles would be suitable. There is still no detail about whose responsibility it is that this takes place and the resources required for it. I suggest that within the LEMP there are also plans for monitoring the population, the effect of management and if this consequently needs revising. This could be in the form of a short annual report to the Local Planning Authority each year.

I have had a look on the portal to see the new information that I need to comment on i.e. the LEMP, the document B610-Supporting information, is a statement about management companies. A reptile mitigation strategy and a LEMP need to be submitted in regard to the slow worm population on site.

## **Affinity Water**

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

## **London Stansted Airport (MAG)**

- 8.3 The proposed development has been examined for its impact upon aerodrome safeguarding and as the site is located approximately 2km south of the centre of Stansted Airport, and 1.6km south east from the end of the 04 runway, our main concern relates to whether the development will present an attractive habitat for birds which will, in turn present a birdstrike hazard to Stansted Airport.

The proposals are for 20 houses with associated infrastructure. The SuDs details are to follow, although it appears that an infiltration system may be suitable. If an infiltration system is used, then this will not result in an additional attractant for hazardous birds. However, if a basin, pond or swales is chosen and they are frequently wet then this would result in the formation of an attractant for hazardous bird species. Therefore, care should be taken that any such feature is dry except during and after extreme rainfall events, with a quick draw down time. Details of landscape planting have not yet been supplied. However, in this location we would recommend less than 10% of the planting is berry bearing.

In conclusion, as the aerodrome Safeguarding Authority for Stansted Airport, we are content that these proposals will not result in an increase in the attractiveness of the site to hazardous birds if it is conditioned that the SuDs does not result in the formation of regular open water, and the berry bearing component of the landscape planting is kept to 10% or less of the total.

Reason: to minimise the risk of a bird attractive feature that would cause a risk of a birdstrike hazard to Stansted Airport.

## **Essex County Council – Economic Growth and Development**

- 8.4 As the proposed development comprises of less than 20 eligible dwellings, an education contribution will not be requested

## **Essex County Council - Archaeology**

- 8.5 Archaeological Trial trenching and Excavation.

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

Reason for Archaeological recommendation.

The Historic Environment Record and cartographic evidence shows that the development site lies in a highly sensitive area of potential archaeological deposits. The development site lies immediately adjacent to the Roman Road from Colchester to Braughing (EHER 4697). Excavations to the east of the application site has shown the presence of Roman archaeology in the river valley (EHER 45949). Further Roman occupation is likely to survive in the development area. Similarly extensive archaeological deposits have been identified on the northern side of the road as part of Stansted Airport with occupation from the Mesolithic period through to the modern day. Prior to the construction of the railway the application area would have formed part of Hatfield Forest. Early cartographic evidence shows the forest extending up to the Roman Road, and it is probable that woodland features such as banks and ditches related to the history of the forest will be identified.

A recognised professional team of archaeologists should undertake the archaeological work which would comprise the archaeological excavation of trial trenches followed by open area excavation where required. The District Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief can be produced from this office detailing the work required.

## **NATS Safeguarding**

- 8.6 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**

- 8.7 We have no network related objections to the proposals on the basis that surface water will be fully disposed to SUDS and there won't be any surface water discharge to public sewer, as stated in the submitted application form (dated 04/07/2017).

Regarding wastewater treatment capacity we would appreciate if developer contacts Thames Water Developer Services (they can be contacted on 0845 850 2777) to provide development timescale to better understand and effectively plan for the sewage treatment infrastructure needs required to serve this development.

## **Housing Enabling Officer**

- 8.8 The affordable housing provision on this site will attract the 40% policy requirement as the site is for 20 (net) units. This amounts to 8 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

The proposed scheme only offers 7 affordable units which equates to 35%, despite previous advice on the Council's policy. Further negotiations should be held with the Council to identify the additional property.

I acknowledge that the provision of a bungalow meets the Council's policy although it is unclear whether this meets the Council's requirement for bungalows to attain building regulations part M2.

- 8.9 Further comments: (following revised plans received). The suggested mix is acceptable and replicated below for reference.  
2 x 1 bed bungalow (plots 7 and 8)  
2 x 2 bed semi (Plots 1 and 2)  
4 x 3 bed semi (plots 3, 4, 5 and 6)

Following further revised plans I confirm that the following mix would be acceptable  
2 x 3 bed semi – shared Ownership  
4 x 2 bed semi – affordable rent  
2 x 1 bed semi – affordable rent

## **National Trust**

- 8.10 The proposed development neighbours the SSSI, National Nature Reserve areas and ancient woodland of Hatfield Forest which extends over 424 hectares, including Wall Wood and Woodside Green. The area has been owned and managed by the National Trust since 1924. Of greatest significance is that Hatfield Forest is the finest surviving example of a small Medieval Royal Hunting Forest.

The Forest's ecological and historic importance is reflected in its designations - for its considerable ecological significance and especially for its veteran trees and old growth woodland on undisturbed soils. There are two Scheduled Monuments on the site and four listed buildings, which reflect its historical significance. It is recognised as potentially qualifying for World Heritage Site status in terms of its cultural and natural heritage value.

It is also the largest, most accessible and most important space for outdoors recreation for the community in the local area.

- 8.11 The site is located just 20 metres from Hatfield Forest, separated only by the Flich Way. The Flich Way is a well-used bridleway which abuts the Forest and provides users with direct access to Hatfield Forest.

The site is located outside of the Takeley Street development boundary, as defined within the adopted Uttlesford Local Plan (2005). It is noted that the District Council is in the process of preparing a new Local Plan, the first draft of which is currently subject to public consultation. The plan proposes to allocate the site for residential development. The plan is still in early stages and has not yet progressed through the first public consultation stage. Therefore at this time little weight can be afforded to the proposed allocation in the draft plan and countryside policies in the adopted

Local Plan should be given the greatest weight. It is noted that the District Council consider that this is an appropriate site to allocate for new housing in order to contribute towards the District's housing needs.

The National Trust is concerned about visitor impact from the proposed development. Due to the exponential housing growth in the local area over the last 10 years the number of visits to Hatfield Forest has doubled to 500,000 today. We also know that over two thirds of visitors are very local people walking onto the Forest from their homes. The existing high level of visitors is impacting the Forest to an unsustainable level.

- 8.12 Due to the clay soils of the Forest this increase in winter visitors, both walking in and arriving by car is damaging the Forest to an unacceptable level. Habitat loss is occurring and not recovering. The whole of the Forest was judged to be in Unfavourable Recovering condition when formally assessed by Natural England in 2011. It was unfavourable due to deer population pressure, but given the recovering status due to the increased efforts by the Trust to control deer numbers. In a 2015 meeting and site inspection with the Natural England officer, the impacts of human trampling to the ground vegetation of the Forest was added to deer as identified threats to the notified features of Hatfield Forest. The trampling impacts are judged to be causing direct damage to a sizeable area of the Forest's vegetation. Thus there is a significant risk that the Forest will be judged to be in unfavourable declining condition if the recreational impacts on notified features are not addressed.
- 8.13 The potential cumulative impact of further residential development so close to Hatfield Forest has the potential to increase visitor pressure and damage to the SSSI, NNR and ancient woodland. There is no indication within the application of how the proposal would mitigate these impacts. If the Council is minded to approve the application it is requested that this issue is addressed. The National Trust is progressing with mitigation strategies and it is requested that the allocation of any S106 contributions towards these is considered. Further information in respect of mitigation can be provided if required.
- 8.14 The second area of concern for the National Trust relates to the visual impact upon Hatfield Forest. The Landscape and Visual Impact Assessment submitted with the planning application has assessed the visual impact on the adjacent Hatfield Forest Country Park/ National Nature Reserve receptor as 'medium'. It assesses Hatfield Forest as having high landscape value and high sensitivity to change. The National Trust agrees with this assessment. Hatfield Forest contributes to the setting and backdrop of the site and is a distinctive part of the wider landscape.

It is acknowledged that the site is separated from Hatfield Forest by the Flich Way and that there is also a 5 metre wide buffer strip between the site and the Flich Way on rising ground. Information within the application indicates that an additional 5 metre buffer strip will be created along the southern boundary of the site and planted with native trees and scrub species. It is however noted from the 'Tree Retention and Removal Plan' that it is proposed to remove some of the existing trees along the southern boundary of the site. This additional buffer is considered essential to protect the setting of Hatfield Forest. However, at this stage insufficient information has been provided to be sure of the adequacy and effectiveness of this buffer. A landscaping plan has not been provided showing the number, size or species proposed. Furthermore, concern is raised regarding the management of this buffer. It is not clear if this will be the responsibility of a management company or if it will form part of the gardens of individual properties. If additional information

to address these concerns is not forthcoming, the National Trust requests that it is ensured that the provision of the buffer zone, a planting schedule and a management plan (setting out the responsibility of a management company and maintenance regime) is secured through a S106 Agreement or appropriately worded condition.

The National Trust considers that guidance set out in the National Planning Policy Framework and Policies GEN7 (Nature Conservation), ENV7 (The Protection of the Natural Environment - Designated Sites) and ENV8 (Other Landscape Elements of Importance for Nature Conservation) of the adopted Uttlesford Local Plan (2005) should be given significant weight when determining this planning application. These seek to ensure that new development would not have a harmful impact on wildlife, geological features and designated sites (such as SSSI's and National Nature Reserves and ancient woodlands). These policies state that development will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation. The policies indicate that measures to mitigate and/or compensate for the potential impacts of development and for the appropriate management of any mitigation will be secured by planning obligation or condition.

Having regard to the lack of information to address the issues set out above, the National Trust objects to this planning application.

8.15 Further comments : 24<sup>th</sup> October

I would be concerned about the buffer being incorporated into back gardens. There would be no control over its management and its function as a buffer zone wouldn't be ensured. A condition wouldn't be enforceable. Inevitably trees/vegetation would be removed over time to make way for larger amenity space within the gardens.

**Landscape Officer**

- 8.16 A full arboricultural report has been submitted which details the proposed removal of a number of trees on the site. The trees proposed to be removed include ash, oak, plum, willow, hawthorn, and elder. These subjects are found to be in poor condition, with no significant landscape amenity value. As part of any approval, conditions should be applied requiring the submission and approval of protective measures for trees to be retained, and a fully detailed scheme of landscaping.

**Natural England**

- 8.16 There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 8.17 Hatfield Forest Site of Special Scientific Interest (SSSI).

The proposed development is in the near vicinity of Hatfield Forest SSSI, National Nature Reserve and Ancient Woodland. Both Natural England and the National Trust (who own and manage the Hatfield Forest) are concerned about the impacts of increasing visitor pressure on the SSSI which is considered to be linked to nearby residential development. Recreational impacts are particularly prevalent in the northern area closest to the proposed development. This increased visitor pressure, particularly during the wetter winter months, has resulted in increased trampling of the rides and paths, parts of which have become very muddy. This in turn leads to visitors attempting to detour around these areas; thereby widening the paths and

trampling important ride-edge vegetation. The National Trust have been forced to close some of the affected rides and paths on a rotational basis in order to allow them to recover sufficiently to be able to withstand further visitor pressure.

The application should consider potential impacts on Hatfield Forest both alone and in combination with other development and, where an impact is identified, appropriate avoidance and mitigation proposals should be put forward. As owners and managers of the SSSI, the views of the National Trust should be sought and appropriate weight given to their submission.

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

### **Essex County Council – Flood and Water Management (SUDS)**

- 8.20 Having reviewed the associated documents which accompanied the planning application, we wish to issue a holding objection to the granting of planning permission based on the following:

Inadequate Surface Water Drainage Strategy.

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

Provide a suitable run-off rate.

Run-off rates should be restricted back to greenfield 1 in 1 rate or equivalent rates with the inclusion of long term storage. The run-off rate should be calculated only from the area draining to the surface water drainage network. Once an acceptable revised run-off rate has been proposed, detailed storage calculations will need to be submitted based on the proposed run-off rate. The calculations will need to show that the site can manage a the critical 1 in 100 inclusive of climate change storm event based on a series of winter and summer storms.

Demonstrate that there is enough water quality treatment on site.

It should be shown how there is enough water quality treatment on site in line with Chapter 26 of the CIRIA SuDS Manual C753.

Provide a drainage plan.

A drainage plan should be submitted showing exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features. The outfall from the site should also be made clear and demonstrated that this is the most appropriate outfall.

However, in the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.

We also have the following advisory comments:

Infiltration testing and groundwater testing in line with BRE 365 will need to be conducted at a detailed stage.

Flood recovery measures (including flood proofing and other building level resistance and resilience measures);

- 8.21 Having reviewed the associated documents which accompanied the planning application, we do not object to the granting of planning permission, subject to the conditions.

#### **Environmental Health**

- 8.22 No objections.

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

- 8.23 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

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

#### **Conservation Officer**

- 8.24 The site subject of this application is located along the B1256 in the village of Takeley. The village follows the line of old Roman road originally mostly of linier form with large selection of early historic and later buildings located along its northern side with more sporadic post war modest homes and occasional undeveloped plots of land on its south side. In recent times Takeley has been the subject of very intense development. The above paddock with its established band of vegetation is one of the very few undeveloped areas hugging the thoroughfare which provides a visual variety and interest to the increasingly intense ribbon development. In addition the development site is located opposite selection of 6 listed buildings which include Josephs, a grade II\* listed Hall House of C15 origins. I feel that the development site with its line of vegetation so close to the road forms part of the setting of Josephs and other listed buildings opposite, and is a reminder of its past very rural and bucolic environment.

Undoubtedly, this application would be subject of an on balance decision which would include a concept of potential public benefit. I feel however that a greater effort should be made to maintain the present character of the site. It is clear that to provide the necessary visibility splays and public footpath all the present hedgerow/vegetation would be removed. The proposed new planting appears to be rather intermittent, set well away from the road and broken up by vehicular access points. The unremarkable new development and drives beyond would form very prominent urban edge not only to the main road and listed buildings in the vicinity but also to the open countryside and Hatfield Forest Dear Park, site of Special Scientific Interest as well as National Nature Reserve. I suggest further negotiations leading to overcoming the above concerns.

- 8.25 Further comments: (following revised plans being submitted).  
With regards to cutting of vegetation, if this is actually the case I stand corrected but it is not what it seems on the ground. By the time a footpath is formed the vegetation would have to be trimmed/cut as it would not be acceptable to walk under the branches. Also 3 access points will be formed further depleting it. The

necessary visibility splays should be indicated. As my comments would not result in the refusal anyway, I suggest on balance decision based on public benefit.

### **Historic England**

8.26 No comment. We suggest that you seek the views of your specialist conservation and archaeological advisers.

### **9. Representations**

9.1 This application has been advertised and 55 neighbouring properties notified. 13 Representations have been received. Expiry date 16<sup>th</sup> November 2017.

9.2 13 letters of objection raising the following issues:

- Overdevelopment in Takeley
- Impact on the Flitch Way
- Inadequate infrastructure
- Highway issues
- Impact on ecology – Bats, deer, loss of trees. It is one of the few places on the edge of the forest for the deer to graze and give birth to their fawns in the long grass, there is an abundance of butterflies, there are hedgehogs, there is a very deep natural pond which was used to fill the old steam fodens at the turn of the last century and probably is home to many different types of newt, also May and June of this year we watched several bats flying between the old stable and the street light, so it appears there is a bat colony there as well.
- Privacy
- Inappropriate design
- Out of character
- Affordable housing will not fit in with the area
- Insufficient parking provision
- Concern of Stansted Airport parking
- The new dwellings are likely to offer B&B and parking services (officially or unofficially if you covenant against such) - these will both increase the volume of traffic AND pedestrians looking to catch buses and taxis - not to mention the dozens of cars that new residents will cram onto their properties when they rent their driveways and surrounding land
- Increase in traffic
- Noise, dust, light and odour pollution
- Loss of view
- No benefits to the local area
- Only the developers and council will benefit
- Inadequate resources
- Impact on water pressure
- From the Uttlesford Local Plan I note your projected requirement for properties in Takeley to be just 42 from 2016 to 2033. Given this, I am at a loss to understand why applications to develop are still being considered when such an important document/policy has yet to be finalised? I would remind the council, that you also have on your list application number UTT/17/0675/FUL which is a request for 275 homes in the same area i.e. you say we only need another 42 homes, but are considering applications for a minimum (at this stage) of 295 homes and we are only in 2017?! Why?? Can nobody count at the council?
- Impact on road and pavement conditions caused by the earth moving lorries that are not being cleaned when leaving existing development sites. Further development will cause further mess which Uttlesford is not cleaning up

- No doctors in Takeley
- Local schools full
- Inadequate bus service does not run regularly or long enough to make it a viable option to use for commuters
- Impact on SSSI – Hatfield Forest – I believe Hatfield Forest this year launched the 'Every Step Counts' campaign to highlight the damage being caused to the area due to increased visitor numbers. Further development will only exacerbate this problem and I understand that the National Trust have taken, the almost unprecedented, step of objecting to both this development and the Bonnington Farm development
- The council itself in its local plan only believes Takeley needs 42 extra houses up to 2033!
- Impact on property values
- Impact of construction traffic
- With the developer & UDC having already completed the pre-planning application, reviewing the application on 4 separate occasions, and subsequently reducing the proposal from 39 to 20 properties we have no doubt that UDC will approve this planning application given the beneficial monetary income from pre-application advice, planning applications, additional funds delivered from 20 x council tax invoices, additional funds received from the government under the new homes bonus payments and whatever other bonuses are available to UDC for hitting their "new homes" targets
- The developer justifies the building of 20 new homes with space for 61 vehicles by stating that "the proposals will open up an area of land that is currently not accessible to the community, and existing members of the community will benefit from the provision of a significant amount of public open space in the form of a communal green and informal areas of open space". We already have Hatfield Forest!!!! It's a 400 hectare forest adjacent to this land, and we also have the Flitch Way and a public park behind the local village hall within walking distance
- This application should be declined while the public consultation of the draft Uttlesford local plan takes place. There is no rush to approve the development of this site, it will still be there next year once the local plans have been decided and the council should wait for that outcome rather than approve an irreversible site development
- Site operations should be restricted to normal working hours 9am - 5pm Monday to Friday only, as this is in the middle of a residential area already housing families with young children.
  - The site operator should employ a wheel truck wash service to ensure all vehicles exiting the site have their tyres jet washed to prevent the road mud bath that we've all had to live with over the past few years.
  - The council should ensure the boundary hedging is in place with maintenance contracts prior to signing off the development to ensure the existing adjacent properties are not affected by light pollution caused by vehicle headlights which would be pointing directly into their houses created by the design of the garages and parking spaces. Could UDC add a clause preventing future re-development or expansion of the site?
- It would be common sense to decline this application and include the extra 20 houses into the 10,000 new home Easton Park Garden Community proposal where they will have access to modern infrastructure, schools and services
- Loss of countryside

## 10. APPRAISAL

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

- A The development of this site for residential purposes(NPPF and ULP Policies S7,S8, H3);
- B Design, scale and impact on neighbours amenity and impact on character and setting of adjacent Listed Buildings (ULP Policies GEN2, S7, H10,H9, ENV2 & SPD: Accessible Homes and Playspace);
- C Highway safety and parking provision (ULP Policies GEN1 & GEN8 & SPD: Parking Standards: Design and Good Practice);
- D Biodiversity (ULP policy GEN7)
- E Affordable Housing, Education Contributions (ULP policies H9, GEN6 )
- F Flood risk and drainage (ULP policy GEN3)

### **A The development of this site for residential purposes is appropriate (NPPF and ULP Policies S7,S8,H3)**

- 10.1 In policy terms, the site is located outside the development limits for Takeley as defined by the Uttlesford Local Plan. Consequently for the purposes of planning, the site is considered to be within the Countryside and subject to all national and local policies.
- 10.2 The site is therefore subject to the provisions of policy S7 Policy S7 is a policy of general restraint which seeks to restrict development to that which needs to take place there, or is appropriate to a rural area in order to protect the character of the countryside. This includes infilling in accordance to paragraph 6.13. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. 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 S70 (2) of the Town and Country Planning Act 1990 states that "in dealing with a planning application the local planning authority shall have regard to the provisions of the Development Plan so far as is material to the application and to any other material considerations". S38 (6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF reiterates this requirement and paragraph 3 confirms that the NPPF is a material planning consideration.

Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. 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.

It is therefore necessary to assess whether the application proposal is sustainable and presumption in favour is engaged in accordance with paragraphs 6 - 15 of the NPPF.

- 10.4 The NPPF emphasises that sustainability has three dimensions (Paragraph 7); an economic role (contributing to building a strong economy), a social role (providing housing and accessible local services) and an environmental role (contributing to protecting and enhancing our natural, built and historic environment).
- 10.5 Economic: The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. In economic terms the proposal would have short term benefits to the local economy as a result of construction activity and additionally it would also support existing local services, as such there would be some positive economic benefit.
- 10.6 Social: The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposal would make a contribution towards the delivery of the housing needed in the district, including provision of (40% affordable housing) eight affordable housing units, public open space and two bungalows. Takeley has access to bus services to other nearby towns and centres of employment. The proposal would introduce an element of built form within the open countryside, which would have some impact on the character of the area. This impact would need to be weighed against the benefits.

The proposal would also have a negative impact by putting more strain on the local infrastructure and demand for school places. Takeley also does not have any doctors or dentists within the village.

The site is well served by bus routes, providing access between Bishops Stortford to the west and Great Dunmow to the east to further facilities. The nearest rail station is Bishops Stortford which is located five miles from the site. This is accessible by bus and provides trains to London, Cambridge and Stansted. This would have some weight in favour of the positive contribution the proposal could make in these regards.

- 10.7 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.
- 10.8 Environmental: The environmental role seeks to protect and enhance the natural, built and historic environment. The NPPF recognises the intrinsic character and beauty of the countryside. The site is located to the west of Takeley centre and is bounded by residential development to the west, east and north and by the Flitch Way to the south and Hatfield Forest which is a SSSI. The development along this road is linear in nature. There is a tree lined boundary separating the site from the Flitch Way (which is a linear country park) and Hatfield Forest beyond.

The suitability of this site for development depends on the value placed on the open space and views of Hatfield forest against the need for housing on a site which is not within the open countryside. The introduction of built form in this location would result in some harm to the openness and character of the rural area and is therefore contrary to the aims of policy S7 and S8. In view of the boundary screening it is considered that the visual impact would be reduced and that the development would not be significantly detrimental to the openness of the countryside. The character of the form of the existing development is linear along the B1256. The development has been the subject of pre- application advice and reduced from 39 dwellings to 20. The development of this site for residential purposes would not be unduly out of character with the area.

- 10.9 The presence of mature vegetation would prevent a harmful intrusion into the open countryside and any harm to the particular character of the countryside surrounding the site. It is therefore essential that the landscaping to the frontage (apart from access points) remains. Apart from the formation of new access roads, the mature landscaping to the sites frontage would remain. A material consideration is that the trees on the site are not subject to tree preservation orders and therefore could be felled without any permissions. A full arboricultural report has been submitted which details the proposed removal of a number of trees on the site. The trees proposed to be removed include ash, oak, plum, willow, hawthorn and elder. These subjects are found to be in poor condition with no significant landscape amenity value. The Councils Landscape Officer has been consulted and has no objections to the proposal subject to conditions requiring the submission and approval of protective measures for the trees to be retained and a fully detailed scheme of landscaping.
- 10.10 It is considered that the development of this site would not result in additional built form in the countryside which would be detrimental to the open and rural character of the surrounding countryside to such an extent that would warrant refusal of the application, because the site is enclosed by mature vegetation to its boundaries, of which most of the landscaping to the boundaries of the site would remain. The proposal is therefore in accordance with advice contained within the National Planning Policy Framework (2012)
- 10.11 Several comments have been received in respect of the impact of the proposal on the Countryside Protection Zone. The site is not in the Countryside Protection Zone. As there are residential properties between the application site and the airport it is not considered that the development would promote coalescence between the airport and existing development in the countryside to such an extent to warrant refusal of the scheme. The proposal would have limited impact on the Countryside Protection Zone.
- 10.12 A further material consideration is that the site is an allocated site (TAK 1) within the Regulation 18 Local plan. Although this has little weight at the present time.
- 10.13 It is considered that the weight to be given to the requirement to provide a 5 year land supply and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7. Therefore, in balancing planning merits, it is considered that planning permission should be granted for the development.

**B Design, scale and impact on neighbours amenity and impact on character and setting of adjacent Listed Buildings (ULP Policies GEN2, S7, H10, ENV2 & SPD: Accessible Homes and Playspace);**

- 10.13 Policy H10 states that all development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total. Since the adoption of the above policy, The Strategic Housing Market Housing report September 2015 has been adopted. This identified that the market housing needs for Uttlesford have changed. 5% of the dwellings shall be bungalows.  
This states:

Market Housing Needs for Uttlesford

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

The supplementary Planning Document Accessible Homes and playspaces also requires that developments of 10 and over should provide bungalows, this application has been revised and now includes two bungalows.

The housing mix for this application is for two one bedroomed properties, four two bedroomed properties, five three bedroomed properties, three four bedroomed properties and six five bedroomed properties. The proposal, complies with the requirements of Policy H10 and broadly in line with the Strategic Housing Market Housing report

- 10.14 All of the units have private amenity spaces. The Essex Design Guide recommends that dwellings of 3 bedrooms or more should have private amenity spaces of 100sqm+ and 2 bedroom properties 50sqm+. The gardens accord with the requirements of the Essex Design Guide. Each plot has adequate private amenity space to accord with the requirements of the Essex Design Guide.
- 10.15 The design and scale of the proposed dwellings is considered appropriate for this location. The dwellings would all be two storey (apart from the two bungalows), the houses are set back from the road to respect the building line created by the dwellings immediately adjacent on the site to the west and east to allow soft landscaping to minimise the impact of the built form from the street view. A landscape buffer has also been incorporated into the design to protect the Wildlife site to the rear and sides of the site. New hedging and planting is proposed along the front of the site.
- 10.16 The development has been designed to minimise the potential for overshadowing or overbearing impacts. In view of the distances between neighbouring properties the proposal would not result in any material overlooking, overshadowing or overbearing impact.
- 10.17 The proposal also provides an area of open space, the applicant has indicated that they are prepared to enter into a S106 legal agreement in order to secure the provision and ongoing maintenance of the proposed open space
- 10.18 Policy ENV2 states: that development will not be permitted if it would adversely affect the setting of a listed building. The proposal would affect the setting of a

number of Grade II listed buildings lining the northern side of the road. North of the site are listed buildings, The Clockhouse (Grade II), Street Cottage (Grade II), Raleigh Cottage (Grade II), Austin Villa (Grade II), Josephs (Grade II\*) , Josephs Barn (Grade II).

- 10.19 The heritage assets are separated from the site by the Dunmow Road and there is an additional buffer of informal open space across the frontage. This ensures that the proposed development maintains a semi-rural character and protects the nearby heritage assets including Josephs which is Grade II\* listed. Specialist conservation advice was sought from the council's conservation Officer and Historic England. She has concerns that this site is one of the very few undeveloped areas hugging the thoroughfare which provides a visual variety and interest to the intense ribbon development and the impact on the setting of Josephs and other listed buildings opposite. Prior to the formal submission of the application, pre-application advice was sought and as a result the number of dwellings were reduced to allow for the retention of most of the vegetation and trees along Dunmow Road. No footpaths are proposed along the Dunmow Road in order to preserve the existing character of the road.
- 10.20 A further measure introduced to protect the character of the existing listed buildings is a significant area of informal open space behind the road frontage vegetation. Additionally opposite the Grade II\* building is a further area of open space and two bungalows proposed so that the built form will be visually reduced at this point when viewed from the street. It has been demonstrated that limited vegetation would need to be removed to provide visibility splays to the accesses.
- 10.21 A Landscape and Visual Impact Assessment has been submitted with the planning application and this demonstrates that the visual impact of the development is low along the northern boundary and from the Flitch Way is moderate. Despite these conclusions, the development proposes a significant landscape buffer to the rear of the site totalling 10 metre together with the retention and enhancement of most of the existing boundary vegetation and trees.
- 10.22 The character of Dunmow Road will be partly maintained by retaining and reinforcing the existing mature hedgerow growing along the north side of the site or by substantially replacing this hedgerow with a new hedgerow planted with native species.
- 10.23 On balance, taking into account the councils lack of five year housing supply the benefits of the scheme outweigh the limited harm to the character and settings of the Listed Buildings and rural setting of the area.
- 10.24 The site falls outside of the 57dB 16 hr LEQ of Stansted airport where ENV10 would require appropriate noise mitigation.
- 10.25 The site is located within the groundwater source protection zone of Dunmow Pumping station. This is a public water supply operated by affinity Water Ltd. They have not objected to the proposal, however they advise that the construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management practices, thereby reducing the groundwater pollution risk. A suitable informative will be added to any approval given.
- 10.26 The site is located approximately 2km south of the centre of Stansted Airport and 1.6 km east from the end of the 04 runway and therefore the proposal has the

potential to present a bird strike hazard to Stansted Airport. Provided that the Suds does not result in the formation of regular open water and the berry bearing component of the landscape planting is kept to 10% or less of the total, which can be achieved by a relevant condition, the aerodrome Safeguarding team have no objections.

**C The access and parking arrangements are appropriate (ULP Policies GEN1 & GEN8 & SPD: Parking Standards: Design and Good Practice);**

- 10.27 The proposed properties are a mixture of one, two, three, four and five bedroom dwellings. The adopted Essex County Council parking standards require the provision for one parking space for a one bedroomed dwelling, two parking spaces per dwelling for two and three bedroom dwellings and three parking spaces for three+ bedroomed properties and additional visitor parking spaces. The proposal meets these standards. There would also be five unallocated parking spaces within the development to provide visitor parking. Vehicular access to the site is acceptable.
- 10.28 Several of the representations make reference to Highway issues and parking, however a transport statement has been submitted with the application and the Highway's Department have been consulted and raise no objections, subject to conditions, to the proposals on highway terms. The proposals therefore satisfy the requirements of ULP Policies GEN1 and GEN8.
- 10.29 In accordance with Supplementary Planning Document – Accessible Homes and Playspace the proposed dwellings would need to be accessible and designed to Lifetime Homes Standards. In new housing developments of 20 dwellings or more , the council will require 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 and 2016 amendments. In this respect Part M4 (2) paragraph 2.12 relating to car parking, in order to comply with the building regulations it states:
- 10.30 Where a parking space is provided for the dwelling, it should comply with all of the following.
- a) Where the parking is within the private curtilage of the dwelling (but not within a carport or garage) at least one space is a standard parking bay that can be widened to 3.3m
  - b) Where communal parking is provided to blocks of flats, at least one standard parking bay is provided close to the communal entrance of each core of the block (or to the lift core where the parking bay is internal). The parking bay should have a minimum clear access zone of 900mm to one side and a dropped kerb in accordance with paragraph 2.13d
  - c) Access between the parking bay and the principal private entrance or where necessary, the alternative private entrance to the dwelling is step free
  - d) The parking space is level or, where unavoidable, gently sloping
  - e) The gradient is as shallow as the site permits
  - f) The parking space has a suitable ground surface
- The revised plans received would comply with the above amended building regulations

## **D Biodiversity (ULP policy GEN7)**

- 10.31 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.
- 10.32 In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010.
- 10.33 A Biodiversity Questionnaire has to be submitted by the applicant of any application to assess the likely presence of protected species within or in close proximity to the application site. The questionnaire allows the council to assess whether further information is required in respect of protected species and their habitats. Some of the questions were answered with a yes and accordingly an ecology report has been submitted with the application.
- 10.34 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. There are slow worms located on the site. A management company would be responsible for the buffer zone to protect the Flitch Way and a LEMP would be secured by a condition.
- 10.35 Natural England have concerns regarding the impact the development would have on Hatfield Forest by way of increasing visitor pressure. In addition the National Trust have also objected to the proposal in respect of the cumulative impact of further development close to the forest and have also requested an allocation of s106 contributions to mitigate against the impact caused. However, this application is only for 20 dwellings and so the number of new residents using the forest and causing harm is likely to be low. The development proposes a significant onsite buffer zone for landscape and ecological impact mitigation which will be managed using a management company secured by a s106 agreement. There is no direct access from the back gardens of the new dwelling onto the Flitch Way. Given the scale of the development it is not considered reasonable to expect that applicant to consider the cumulative impact of other major developments in the area. By the very scale of the proposed development, any impact from a 20 dwelling development is likely to be limited.
- 10.36 The applicant has stated that the most recent information on recreational impact levels is contained within the Environmental Statement submitted with planning application UTT/18/0318/OP for 135 dwellings. This concluded that the 135 dwelling development would not have a likely significant effect on the Hatfield Forest SSSI. As such it is not considered reasonable to request s106 contributions or refuse the application on these grounds.

Essex County Council Ecologists have been consulted and have no objections to the proposal subject to conditions.

- 10.37 As such it is not considered that the proposal would have any material detrimental impact in respect of protected species to warrant refusal of the proposal and accords with ULP policy GEN7.

**E Affordable Housing, Education Contributions (ULP policies H9, GEN6 and Developers Contributions Guidance Document)**

- 10.38 Affordable Housing:

Policy H9 states that the Council will seek to negotiate on a site for site basis an element of affordable housing of 40% of the total provision of housing. The Council commissioned a Strategic Housing Market Area Assessment which identified the need for affordable housing market type and tenure across the District. As a result of this the Council will require a specific mix per development proposal. The Strategic Housing Market Area Assessment supports the provision of a range of affordable housing:

Affordable housing provision (rounded up to the nearest whole number)

- 40% on sites of 15 or more dwellings or sites of 0.5ha or more;

The site area is 1.6 hectares and as such a provision of 40% affordable housing is required. The proposal originally only indicated 7 affordable housing units, this has been revised and the proposal now includes 8 affordable units (including two bungalows). The applicant has indicated that they are prepared to enter into a Section 106 legal agreement to provide the affordable housing. Subject to this agreement being completed, the proposal would comply with the requirements of policy H9

- 10.39 Education Contributions:

Essex County Council (ECC) is the Education Authority for the District. ECC have published a 'Developers' Guide to Infrastructure Contributions' which sets out how contributions for Education are calculated. A development of this size is below Essex County Councils new threshold for education contributions, and thereby, a s106 education contribution is not sought.

**F Flood Risk and drainage (ULP Policy GEN3; NPPF)**

- 10.40 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).

- 10.41 The proposals have been considered by the Local Lead Flood Authority who originally raised an objection to the proposals. Additional information has 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.

## **11. CONCLUSION**

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

- A** It is considered that the weight to be given to the requirement to provide a 5 year land supply and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7. Therefore, in balancing planning merits, it is considered that planning permission should be granted for the development.
- B** The Design of the proposed development is considered to be acceptable and in accordance with Policies GEN2, the layout of the development is acceptable. No significant loss of residential amenity will arise from the proposals. The amenity areas and parking provision are appropriate and the proposals comply with Policies GEN2, ENV3 and GEN8. The proposed scale of the development is considered to be appropriate and complies with policy GEN2. The housing mix for the development is considered acceptable (ULP policy H10).
- C** The proposal would comply with the current adopted parking standards and provide five visitor spaces. Essex County Council Highways authority has no objections subject to appropriate conditions. The proposal complies with policies GEN1 and GEN8.
- D** The application now provides sufficient information and evidence to demonstrate that the proposals (subject to conditions and S106 requirements) would not adversely affect protected species. As such the proposals comply with Policy GEN7 and section 11 of the NPPF.
- E** The affordable housing mix and tenure split for the development is considered to be acceptable and complies with policy H9 and GEN6.
- F** The proposal would not give rise to flooding issues and complies with Policy GEN3. The leading local flood authority have no objections subject to conditions.

### **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 6<sup>th</sup> June 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 Assistant Director: Legal & Governance , in which case he shall be authorised to conclude such an obligation to secure the following:**
  - (i) Provision of 40% affordable housing**
  - (ii) Maintenance of SuDS**
  - (iii) Management company in relation to SUDS, public open space, and habitats**
  - (iv) Pay the Council's reasonable legal costs**
  - (v) 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 maintenance of SuDS**
- (vi) **No provision of Management company in relation to SUDS, public open space, and habitats**

### 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 occupation of any dwelling, the provision of the eastern access, as shown in principle on drawing no. 845-PL-002F, shall be formed at right angles to Dunmow Road to include but not limited to, a minimum 5.5 metre carriageway width, two 2 metre wide footways (around both radii) tapering into the shared surface, and clear to ground visibility splays with dimension of 90 metres x 2.4 metres x 90 metres as measured from and along the nearside edge of the carriageway. The visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction at all times.

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

3. Prior to the occupation of any dwelling, the proposed private drives (to the west of the site), as shown in principle on drawing no.845-PL-002F, shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of highway boundary and provided with an appropriate dropped kerb crossing of the footway/verge. Each access shall be provided with a clear to ground visibility splay with dimensions of 90 metres x 2.4 metres x 90 metres, as measured from and along the nearside edge of the carriageway. The visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction at all times.

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

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

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

- 5 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).

- 6 The proposed development shall not be occupied until such time as the vehicle parking areas indicated on drawing no. 845-PL-002F have been provided. The vehicle parking areas and associated turning areas 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 Uttlesford Local Plan Policy GEN1 (adopted 2005).

- 7 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).

- 9 The SuDs shall not result in the formation of regular open water, and the berry bearing component of the landscape planting shall be kept to 10% or less of the total.

REASON: To minimise the risk of a bird attractive feature that would cause a risk of a birdstrike hazard to Stansted Airport in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).

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

REASON: The Historic Environment Record and cartographic evidence shows that the development site lies in a highly sensitive area of potential archaeological deposits. The development site lies immediately adjacent to the Roman Road from Colchester to Braughing (EHER 4697). Excavations to the east of the application site has shown the presence of Roman archaeology in the river valley (EHER 45949). Further Roman occupation is likely to survive in the development area. Similarly extensive archaeological deposits have been identified on the northern side of the road as part of Stansted Airport with occupation from the Mesolithic period through to the modern day. Prior to the construction of the railway the application area would have formed part of Hatfield Forest. Early cartographic evidence shows the forest extending up to the Roman Road, and it is probable that woodland features such as banks and ditches related to the history of the forest will be identified in accordance with Uttlesford Local Plan policy ENV4.

- 11 Before development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

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

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 policy GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005). Uttlesford Local plan (adopted 2005)

- 12 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 policies ENV3, GEN2 and GEN7 Uttlesford Local plan (adopted 2005)

- 13 (a) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree or shrub be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- (b) If any retained tree or shrub is removed, uprooted or destroyed or dies, another tree or shrub shall be planted at the same place and that tree or shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
- (c) The erection of fencing for the protection of any retained tree shrub or hedge shall be undertaken in accordance with details approved in writing by the local planning authority to comply with the recommendation of British Standard 5837:2005 (Trees in relation to construction) before any equipment, machinery or

materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. No fires shall be lit within 20 metres of the retained trees and shrubs.

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

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

- 14 Prior to occupation, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by the local planning authority. The content of the LEMP shall focus on the buffer strip between the development and the Flich Way Local Wildlife Site and the translocated reptile population and 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: In the interests of conserving biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework paragraph 109.

- 15 No development shall take place, including demolition, ground works and vegetation clearance until a reptile mitigation strategy has been submitted and approved in writing by the local planning authority and implemented in full. This should include a method statement to deliver all the ecological mitigation measures and/or works detailed in the in Phase 1 Habitat Survey & Protected Species Scoping Assessment (Skilled Ecology Consultancy, June 2016).

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 LPA to discharge its duties under the Wildlife & Countryside Act 1981 as amended and under s40 of the NERC Act 2006 (Priority habitats & species)

- 15 All ecological measures and/or works shall be carried out in accordance with the details contained in Phase 1 Habitat Survey & Protected Species Scoping Assessment (Skilled Ecology Consultancy, June 2016) 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 Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework

- 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:

- Infiltration testing and groundwater testing in line with BRE 365 will need to be conducted at a detailed stage to explore the discharge options in line with the discharge hierarchy.
- Where infiltration is deemed not viable, discharge rates should be restricted to the Greenfield 1 in 1 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
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site. In accordance with Uttlesford Local Plan

policy GEN3

- 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. 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. In accordance with Uttlesford Local Plan policy GEN3.

- 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.

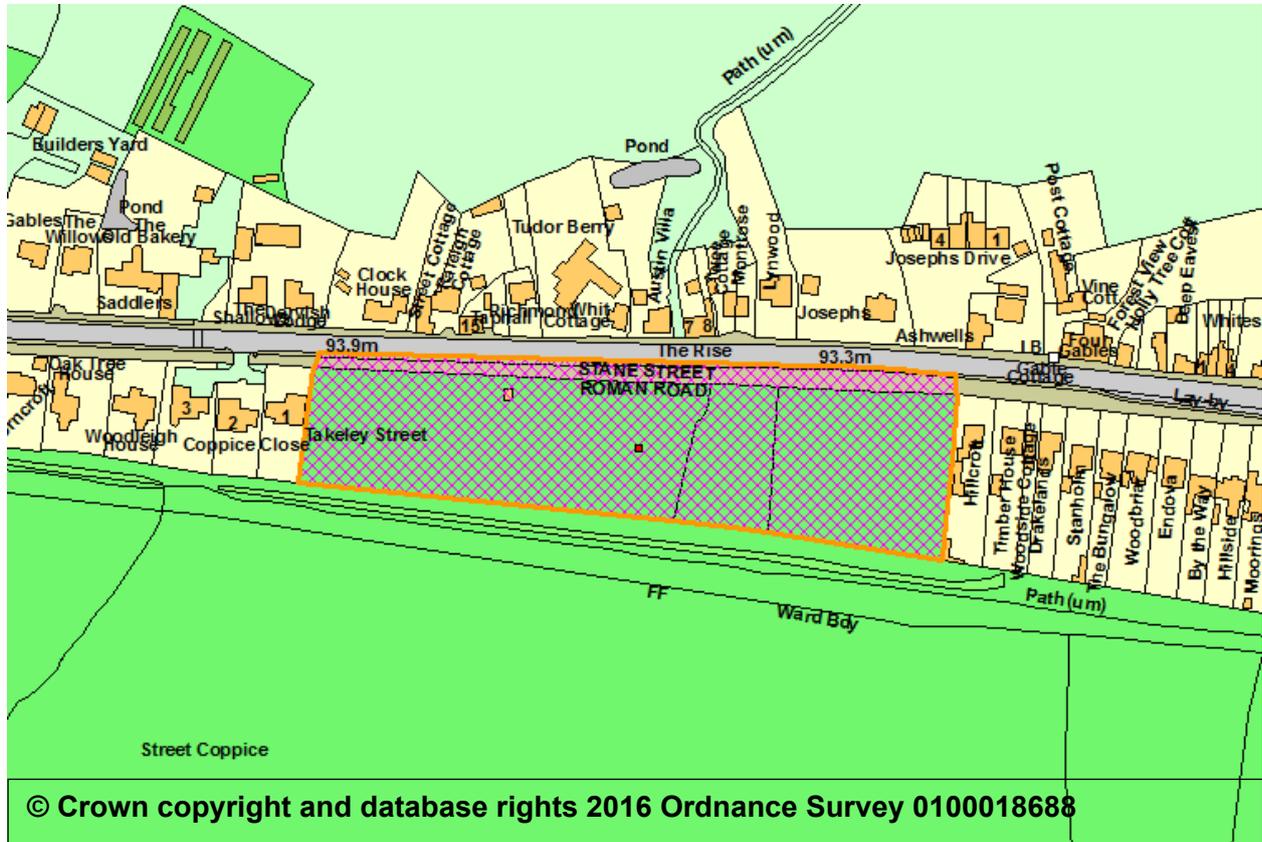
REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site in accordance with ULP policy GEN 3.

- 19 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with Uttlesford local plan (adopted 2005) policy GEN3

Application: UTT/17/1852/FUL

Address: Land Adj to Coppice Close, Dunmow Road, Takeley



Organisation: Uttlesford District Council

Department: Planning

Date: 27 April 2018

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## UTT/17/3623/DFO – (GREAT DUNMOW)

### MAJOR

**PROPOSAL:** Details following outline application UTT/14/0472/OP (allowed on appeal under reference APP/C1570/A/14/2223280) for the construction of 22 no. self-build dwellings. Details of access, appearance, landscaping, layout and scale

**LOCATION:** Land East of St Edmunds Lane, Great Dunmow

**APPLICANT:** Mr R Kirby

**AGENT:** Mr R Haysom

**EXPIRY DATE:** 21 March 2018 – Extension of time to 14 May 2018

**CASE OFFICER:** Karen Denmark

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### 1. NOTATION

1.1 Outside Development Limits/Outside Town Development Area.

### 2. DESCRIPTION OF SITE

2.1 The application site is located on the eastern side of St Edmunds Lane between the Bowls Club and a property known as Hill View. There is a hedgerow to the front boundary. The southern boundary, beyond the boundary of the Bowls Club, is relatively open to the fields to the south. The boundary with the Bowls Club is a chain link fence. The eastern boundary is currently open and the northern boundary has hedging, especially to the boundary with Hill View and the new properties at Tower View Drive. These properties are substantial two storey dwellings.

2.2 The site is currently in agricultural use. The land falls from Hill View and Tower View Drive on the northern boundary towards the Bowls Club on the southern boundary. It also falls from St Edmunds Lane on the western boundary towards the east. A ditch/stream runs along part of the southern boundary which connects to a small woodland which is designated as a Local Wildlife Site.

2.3 It should be noted that when the outline planning application was considered for this site the development now known as Tower View Drive was proposed to be 5 dwellings with a substantial green buffer between those dwellings and the application site. Subsequently, the number of dwellings has been increased to 7 and the buffer between the two sites has been removed. This scheme was under consideration at the time of the Inquiry in respect of the appeal on this site.

### 3. PROPOSAL

3.1 The proposal relates to the reserved matters for 22 dwellings covering access, appearance, landscaping, layout and scale. The principle of development has been allowed on appeal.

3.2 The design of the houses has been based on a modular approach which will give good value and efficiency in construction. This modular system defines the general

form of the dwellings and also allows for great design flexibility within predefined parameters. This will maintain a coherence within the overall development in terms of scale, materials and appearance. In this way should future purchasers wish to customise their units to a greater degree this format defines an inherent design code which sets out the parameters of design control.

#### **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 the following documents:**

- Design and Access Statement
- Archaeological Evaluation Report
- Landscape Strategy
- Materials Schedule
- SUDS Checklist
- Building for Life Assessment

##### **5.2 Conclusion of Design and Access Statement:**

This application describes the details of access, appearance, landscaping, layout, and scale, for the release of the Reserved Matters in accordance with Condition 1 of the Outline Planning Approval for this site. In addition to the Reserved Matters the design has been developed having taken into account the requirements for sustainable urban drainage systems and surface water management.

The approval decision acknowledges the need for custom build housing. However, this process, as a method of procurement, is relatively new to the industry. This design proposes an innovative approach to the provision of custom build homes, which is reflected in the site layout, the modular design approach, and the procurement strategy. With this approach plot purchasers can start with a core unit and tailor their house both in terms of plan layout and materials. This represents a proposal which is able to respond to the needs of individual buyers whilst protecting the interests of neighbouring purchasers or residents.

The design proposal provides a well landscaped external shared environment with close connections to the surrounding landscape. This design has been developed to provide a rich habitat, appropriate to the local area and which will provide a comfortable, sociable space in which to live.

The dwellings have been designed to be attractive and of varied appearance with a scale, massing and materials which will complement the local setting in the edge of

the town.

This is an exciting and innovative proposal which should enhance the surrounding setting and provide attractive and desirable places in which to live.

## **6. RELEVANT SITE HISTORY**

- 6.1 UTT/14/0472/OP: Outline application with all matters reserved for the development of land for the provision of 22 custom/self-build dwellings with associated access, parking provision and amenity space. Land East of St Edmunds Lane, Great Dunmow. Refused, allowed on appeal.

## **7. POLICIES**

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

GEN1 – Access  
GEN2 – Design  
GEN7 – Nature Conservation  
GEN8 – Vehicle Parking Standards

### **Great Dunmow Neighbourhood Plan**

DS8: Building for Life  
DS9: Hedgerows  
DS10: Eaves Height  
DS11: Rendering, Pargetting and Roofing  
DS12: Integration of Affordable Housing  
DS13: Local Housing Needs  
NE4: Screening

### **Supplementary Planning Documents/Guidance**

Essex Design Guide  
SPD: Accessible Homes and Playspace  
ECC Highway Standards – Design and Good Practice – September 2009  
UDC Parking Standards – February 2013

### **National Policies**

National Planning Policy Framework  
National Planning Practice Guidance

## **8. TOWN COUNCIL COMMENTS**

- 8.1 28 January 2018: Strongly object as it conflicts with the Great Dunmow Neighbourhood Plan (made 2016) Policies DS10 and DS11. Additional visitor parking spaces are required to comply with UDC parking standards. There is also concern regarding the development layout on plot 10 where there is a public footpath separating the house from the remotely located garage.
- 8.2 29 March 2018: Supports the revised application. Previous objections relating to conflicts with the Great Dunmow Neighbourhood Plan have been addressed. Still only five visitor parking spaces and request an additional space is provided. We have been contacted by the resident in the neighbouring bungalow, Hill View, with

complaints that the property will suffer from overlooking by the new development. If there is a valid complaint of overlooking from the landing window of plot 7a we ask that the window be required to be fitted with obscured glass.

## **9. CONSULTATIONS**

### **Affinity Water**

- 9.1 You should be aware that the site is located within the groundwater Source Protection Zone (SPZ) of Dunmow Pumping Station. This is a public water supply and comprises of a number of chalk boreholes operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.

### **ECC Ecology**

- 9.2 No objection. The proposals are unlikely to impact designated sites, protected/priority species or priority habitats according to the Phase 1 Habitat Survey (Skilled Ecology, Dec 2013).

### **Aerodrome Safeguarding**

- 9.3 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 Highways**

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

## **10. REPRESENTATIONS**

- 10.1 This application has been advertised and 17 letters of representation have been received including multiple letters from the same objectors. Notification period expired 2 April 2018.

Original Plans:

Too close to our boundary

No access to drain for sewage outfall from septic tanks for adjoining properties

Bulk of houses will block light to our small garden

View will be obscured

Loss of privacy

No plan for flood prevention

Plots 12, 13 and 14 should be further down the hill

Dust and detritus from site could impinge on our quiet enjoyment of our property

Some plots have very large gardens in comparison to those adjacent to our property

Council has achieved its 5 year land supply

Character of area is being urbanised

Infrastructure cannot cope  
 Increased flooding  
 Self-build will result in increased disturbance to neighbours  
 Loss of precious green belt land  
 Outside Development Limits  
 Not in keeping with adjacent properties  
 Increased traffic  
 Riverside access increasingly dangerous  
 Shouldn't be two storey properties on plots 1-7  
 Timescale of build – disruption concerns  
 Working hours should be controlled  
 Adequate parking provision needs to be made  
 Concern there will be no control over what will be built  
 Existing hedgerow should be retained  
 Development not in accordance with indicative masterplan  
 Doesn't meet the criteria of the Essex Design Guide  
 Results in loss of light, overbearing impact, loss of outlook and overlooking to neighbouring properties  
 Ambiguity in relation to location of northern boundary  
 Design not in keeping – house type 3 is ugly

#### 10.2 Revised Plans:

Overbearing impact on our property  
 Doesn't comply with Essex Design Guide  
 80% of our boundary is blocked causing loss of light  
 No provision to maintain ditch  
 Plot 12 shows ditch to be filled in  
 Klargesters and Hill View's cesspit currently drain into ditch  
 Not in keeping with our properties and materials  
 Should be a 10m woodland buffer along northern boundary  
 Affects privacy and loss of view  
 No flood and water drainage management plan  
 Filling of ditch contravenes Hedge and Ditch Presumption of 1810  
 Potential contamination of water course  
 Amended layout shows access to adjoining land which doesn't have consent for development

### 11. APPRAISAL

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

- A Access (ULP Policy GEN1)
- B Appearance (ULP Policy GEN2; GDNP Policies DS10, DS11)
- C Landscaping (ULP Policy GEN2; GDNP Policies DS9, NE4)
- D Layout and scale (ULP Policies GEN2, GEN8; GDNP Policies DS8, DS10 DS12, DS13)
- E Other matters

#### **A Access (ULP Policy GEN1)**

- 11.1 Access to the site will be taken from St Edmunds Lane. This will necessitate the removal of a section of hedgerow to facilitate the access. The access would include 2m wide footpaths to either side of the carriageway. The proposals have been considered by ECC Highways who confirm that the proposal is acceptable subject to

conditions.

**B Appearance (ULP Policy GEN2; GDNP Policies DS10, DS11)**

11.2 The application is for reserved matters relating to a custom/self-build scheme which by its very nature requires a degree of flexibility in design approach. Therefore, the issues of appearance, layout and scale can only be assessed in terms of their broad approach. If these are considered to be acceptable the parameters will be agreed subject to a condition requiring the final details in respect of these matters to be submitted for approval prior to works commencing on that plot.

11.3 The applicant has chosen a modular based design which is considered to offer flexibility but also a cost effective approach to the build process. In terms of appearance, a palette of materials is proposed from which the purchasers can select the range of materials they wish to construct their house from.

House type 1:

- Red or buff bricks to match local vernacular
- Render, natural colours and potential for pargetting
- Clay tiles or natural slate

House type 2:

- Buff bricks
- Coloured render
- Timber boarding
- Clay tiles

House type 3:

- Buff brickwork
- Stained/painted/limed white boarding
- Untreated larch or cedar boarding
- Untreated oak boarding
- Dark stained weatherboarding to match agricultural setting
- Natural slate

Extensions:

- Timber boarding
- Natural coloured render
- Buff and red brick
- Clay tiles

Garages:

- Buff brick
- Stained/painted/limed white boarding
- Untreated larch or cedar boarding
- Untreated oak boarding
- Dark stained weatherboarding to match agricultural setting
- Natural slate

- 11.4 The range of materials is considered to be acceptable and is in accordance with Policy DS11 of the Great Dunmow Neighbourhood Plan and Uttlesford Local Plan Policy GEN2.

**C Landscaping (ULP Policy GEN2; GDNP Policies DS9, NE4)**

- 11.5 A landscaping scheme and strategy are submitted with the application. This indicates a post and rail fence to the north eastern boundary, including a 5 bar gate which retains access to the field. The boundary with Tower View Drive indicates the retention of the hedgerow and trees with a native hedge infill. Hedgerows are also proposed to be planted adjacent to the highway within the gardens of the plots backing onto St Edmunds Lane and the remaining boundaries. The proposed mix of planting is considered to be appropriate and the proposals comply with the relevant policies.

**D Layout and scale (ULP Policies GEN2, GEN8; GDNP Policies DS8, DS10 DS12, DS13)**

- 11.6 Unlike a conventional reserved matters application the finalised layout and scale cannot be considered at this stage. This is due to the various extension types and garage options that are available for the proposed plots. These will be determined by the purchaser and, like materials it is proposed that these be controlled by condition for final details to be agreed prior to commencement of work on each plot.
- 11.7 The applicant is proposing three house types, six extension types and two garages. The house types are fixed for each plot and therefore establish the basic layout of the development. The variants come with the “bolt on” packages of extensions and/or garages. However, it should be noted that not all extension/garage options are available for each plot.
- 11.8 The scale of the house, extension and garage types are fixed by the submitted details.

Type	Width	Depth	Max height	No of beds
House 1	5.535m	8.555m	8.080m	2
House 2	11.560m	7.016m	9.050m	4
House 3	13.720m	7.520m	6.750m	3
Extension 1	5.350m	2.350m	4.525m	N/A
Extension 2	8.650m	5.025m	4.525m	N/A
Extension 3	11.050m	5.025m	4.525m	N/A
Extension 4	8.650m	5.025m	5.670m	1
Extension 5	11.050m	5.025m	5.670m	1
Extension 6	11.050m	5.025m	5.670m	1
Single garage	4.00m	7.680m	6.400m	1
Double attached	6.700m	7.680m	6.758m	1
Double detached	6.700m	7.680m	6.758m	1/office

- 11.9 The single garage is generally envisaged as being with house type 1, the attached double with house type 2 and the detached double with house type 3. House type 1 only has the option of extension 1. In addition, given the constraints of some of the proposed plots other options are not a feasibility. See schedule at end of report listing the options for each plot.
- 11.10 In order to demonstrate the potential maximum scale and mass the applicant has

submitted plans indicating the largest option for each plot. The scale and massing are considered to be appropriate with the lower house types set on the highest ground. The larger 4 bedroom properties are predominantly located towards the middle of the site.

- 11.11 Concern has been raised in the representations regarding the alterations between the masterplan put forward at outline stage and the current proposals. The masterplan was drawn up with the approved scheme at Tower View Drive in mind, which at that time consisted of 5 properties and a substantial landscape buffer between the two developments. Since then the number of properties on the adjacent development has been increased and the landscape buffer removed. Indeed, this was the situation at the time of the appeal being allowed.
- 11.12 The properties at Tower View Drive are located approximately 12-14m from the boundary and are substantial properties which would overlook the proposed development. Given the changes in circumstances between the masterplan being prepared and the fact that the masterplan is not an approved document, it is appropriate for the applicant to revisit the proposed layout.
- 11.13 Plots 12-14 are located adjacent to the rear boundaries of properties in Tower View Drive. These would be the smaller dwellings in terms of height (6.750m) and they have been positioned sideways on to the boundary so have the maximum width of 7.520m. As stated, the plans indicate the maximum amount of potential built form and therefore indicate the potential extension and garage options. Plot 12 would be located adjacent to the boundary with 4 Tower View Drive. With the maximum extension options possible this proposed dwelling could have a length of 18.57m. The plans indicate that this would be approximately 16m from the nearest point of the rear elevation of 4 Tower View Drive. The proposed dwelling would also be located approximately 4.5m from the boundary and would be on lower ground than 4 Tower View Drive. If this largest extension option is chosen and plot 13 opts to have a double garage there would be a gap of approximately 10m between the elements of built form on plots 12 and 13 which is roughly in line with the most sensitive rooms in the dwelling, the lounge and garden room.
- 11.14 3 Tower View Drive would have built form associated with plots 13 and 14 adjacent to the boundary. However, this property is angled to have views across the adjacent fields and therefore would have less impact on the views from that property. There would be some impacts on the rear gardens of 3 and 4 Tower View, but given the size of the plots this would not be significant and therefore would not warrant a refusal.
- 11.15 In terms of Hill View, this property is orientated to look down the hill. However, its outlook is currently onto the hedge forming the boundary of the site and properties are not entitled to a view. The proposed development would be located approximately 6m from the nearest elevation of the property, if the single garage (single storey and flat roof for this plot) option is chosen on plot 7. Should the garage option not be selected the built form, whilst taller, would be located approximately 12m from the nearest elevation of Hill View. Therefore, it is considered that the impacts on this property would not be significant and would not warrant refusal of the application.
- 11.16 The layout of the site has been amended since the original masterplan was prepared at outline stage. As discussed above, plots 12-14 have been turned within the plot and moved closer to the boundary. The reorientation of the proposed dwellings, subject to an extension option being selected, ensures that these

properties, in particular plots 12 and 13 would benefit from a private sitting out area without overlooking from the adjacent properties in Tower View Drive.

- 11.17 Each property has sufficient amenity space to serve the maximum size property which could be achieved given the extension/garage options. Plot 7, whilst this could include a garage this would be a flat roof garage with no potential for a bedroom option. This is to minimise the impact on the neighbouring property, Hill View, and to ensure that sufficient amenity space is available as this plot has a garden area of 83m<sup>2</sup> which would be deficient for a 3 bedroom property.
- 11.18 No overlooking or overshadowing issues would arise as a result of the development which would warrant refusal of the application. There is sufficient separation distances between the proposed dwellings. Whilst plots 12-14 are located in close proximity to the boundary with properties in Tower View Drive these do not have primary windows in the elevation facing towards the neighbouring properties. There is a secondary bedroom window in the side elevation which can be conditioned to be obscure glazed in these plots to protect residential amenity. Plot 12 is only permitted to have extension 3 as their largest option which is single storey. Plot 13 is permitted to have extension 5 as their largest option which does not have any windows overlooking the adjacent property.
- 11.18 Each property has sufficient parking provision for the maximum size property which could be constructed on the plot. The Town Council has raised concerns regarding the shortfall of visitor parking. However, 9 visitor parking spaces are proposed which is sufficient to meet the requirements of this development where the requirement is 6 spaces. In addition, some properties have 4 parking spaces provided so would be able to accommodate their own visitor parking within the plot. The proposals comply with Policy GEN8.

## **E Other issues**

- 11.19 The planning permission granted on appeal included an “affordable housing” option secured by way of a Unilateral Undertaking. The affordable housing option relates to plots 3-7 and 18-21. These would be sold to a nominated person at a discounted rate (30% discount). These plots would also be subject to a first time sale-on clause whereby they would be required to pay the Council a sum equivalent to 10% of the sale value. This would then terminate the “affordable housing” provision for the plot. If after a period of 12 months the affordable housing plots haven’t sold then the applicant has the right to sell these at market value subject to them paying the equivalent of the affordable housing discount direct to the Council, ie the Council would receive 30% of the plot sale value.
- 11.20 The affordable housing units are located in two different locations and therefore meet the requirements to integrate the properties within the development.
- 11.21 The site is located within the vicinity of a Local Wildlife Site. The potential impacts on this and biodiversity were considered at the outline stage and no objections are raised in respect of the reserved matters.
- 11.22 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. On a normal scheme to be delivered by a developer, there would be a requirement for 5% of the properties to be in accordance with the

requirements for wheelchair users. However, given the nature of the development it is not possible to enforce this requirement as this would be placing an unacceptable burden on individuals. Those securing earlier plots, which potential could be the more appropriate style properties to comply with these requirements, may choose not to comply with these more stringent building regulations. Therefore, this could result in those purchasing smaller properties being excessively burdened in order to meet these requirements. Therefore, in this particular instance it is considered appropriate that only the basic requirement of meeting Requirement M4(2) as imposed on smaller sites is appropriate.

- 11.23 The issue of drainage has been raised, in particular the lack of a SUDS drainage scheme. However, this was considered at outline stage and the final details of this are to be approved by way of a Discharge of Condition application. Likewise, the concerns raised with regards to the proposed infilling of the ditch would need to be part of the proposed drainage scheme to be submitted. Drainage does not form part of the reserved matters and is not appropriate to be considered here.
- 11.24 There are issues in relation to the boundary and its precise location. Both the applicant and the residents of Tower View Drive claim the boundary is in different locations. This is a civil matter and not for the planning application. The precise location of the boundary does not impact on the proposed layout of the site. There may be some potential impact on the garden sizes for plots 12-14 but considering these plots have garden sizes in excess of 200m<sup>2</sup> it is not considered that this would be detrimental to the residential amenity of these plots.

## **12. CONCLUSION**

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

- A** The access is appropriate and no concerns are raised.
- B** The proposed palette of materials and appearance of the proposed are considered to be appropriate. The final selection of materials for each plot will need to be secured by condition.
- C** The proposed landscaping scheme is considered to be appropriate.
- D** The plans indicate the maximum potential scale and layout of the proposed development. The final layout and scale of the dwellings will need to be secured by way of a condition.
- E** Affordable housing provision is made with an appropriate split within the site. There are no impacts on biodiversity. Drainage and boundary disputes are not for consideration as part of this application.

## **RECOMMENDATION – APPROVAL WITH CONDITIONS**

### **Conditions**

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

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

2. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on drawing no P03K and the Landscape Strategy. 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 GEN and GEN7 of the Uttlesford Local Plan (adopted 2005).

3. Prior to the commencement of the construction of the dwelling on each plot, full details of the house type, extension and/or garage options, layout within the plot and the materials to be used in the construction for that plot shall be submitted to and approved in writing by the local planning authority. Subsequently, the dwelling for that plot shall be constructed strictly in accordance with the approved details.

REASON: In the interests of the appearance of the site and because the final details for each plot have not been established to allow for flexibility in this custom/self-build scheme, in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).

4. Prior to occupation of any dwelling, the provision of an access formed at right angles to St Edmunds Lane, as shown in principle on drawing no. X821-006 (dated 08/12/2017) to include but not limited to: minimum 5.5 metre carriageway width with two 2 metre wide footways and clear to ground visibility splays 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 Uttlesford Local Plan Policy GEN1 (adopted 2005).

5. Prior to occupation of any of the proposed dwellings, the provision of a dropped kerb pedestrian crossing across St. Edmund's Lane shall be provided south of the proposed site access, as shown in principle on drawing no. X821-006 (dated 08/12/2017).

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

6. 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 Uttlesford Local Plan Policy GEN8 (adopted 2005).

7. No dwelling shall be occupied until the associated cycle parking facilities, as shown in principle on drawing no. P04, are to be provided and retained at all times.

REASON: To ensure appropriate cycle parking is provided, in accordance with Uttlesford Local Plan Policy GEN8 (adopted 2005).

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

REASON: To avoid displacement of loose material onto the highway in the interests

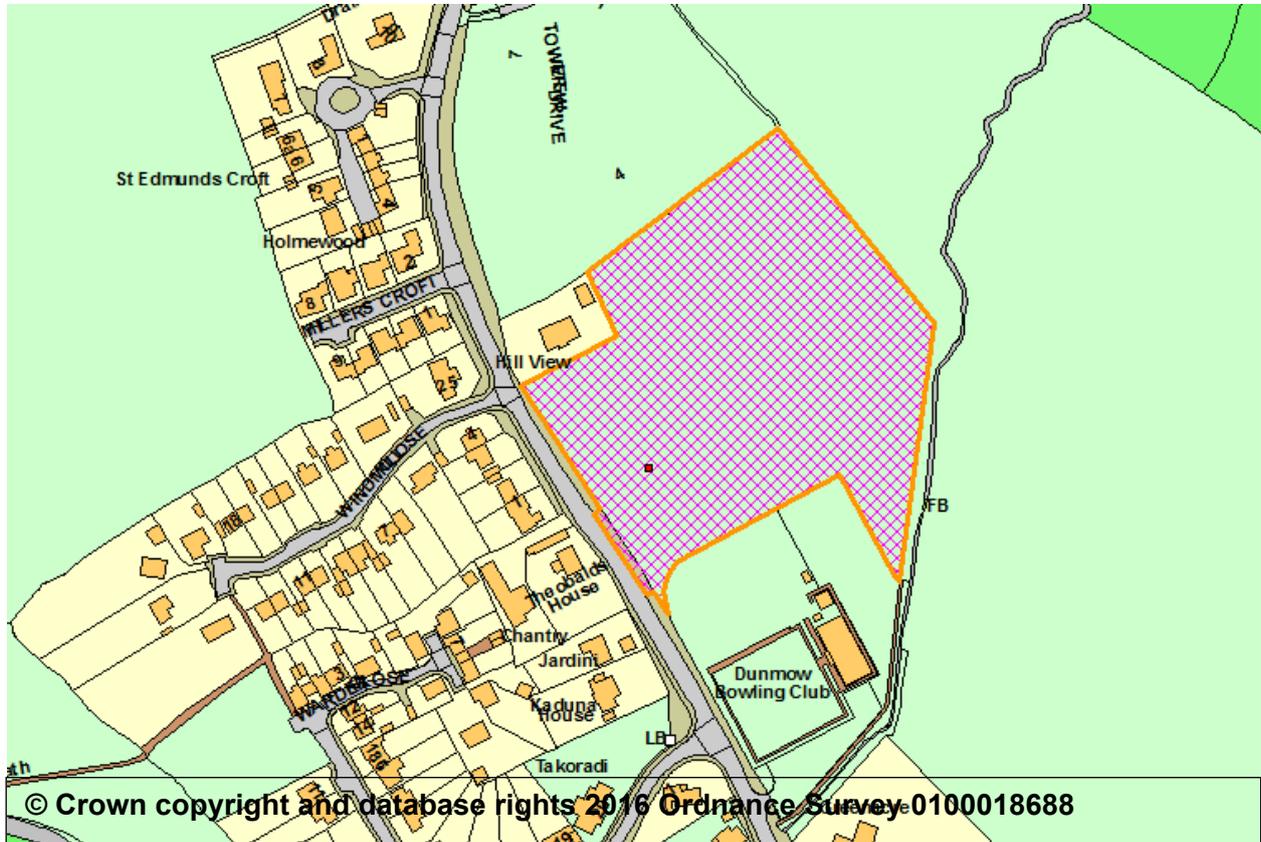
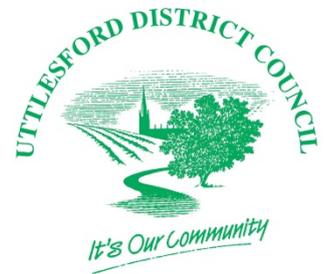
of highway safety, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

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

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

Application: UTT/17/3623/DFO

Address: Land East of St Edmunds Lane, Great Dunmow



Organisation: Uttlesford District Council

Department: Planning

Date: 27 April 2018

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## UTT/17/3426/OP – (SAFFRON WALDEN)

(MAJOR)

**PROPOSAL:** Outline application, with all matters reserved except for access, for Extra Care Housing (Use Class C2) together with associated infrastructure including road, drainage and access

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

**APPLICANT:** Manor Oak Homes

**AGENT:** Framptons

**EXPIRY DATE:** 1 March 2018 (extension of time)

**CASE OFFICER:** Maria Shoemith

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### 1. NOTATION

1.1 Outside Development Limits, Airport Safeguard Zone, 500m from pollution control site, Ground Water protection zone, contamination, 500m from pipeline installation

### 2. DESCRIPTION OF SITE

- 2.1 The application site is roughly a rectangular parcel of land which sits between Tesco's to the west and Wild Hedges located to the west of the site. The application site has main road frontage facing Radwinter Road and access from Myhill Close a newly designated road which forms part of an existing wider consent for residential dwellings.
- 2.2 To the south of the site is the construction site of 200 dwellings of which the subject of this application form part of the original outline planning application under reference UTT/13/3467/OP "*Outline planning application for either a residential development of up to 230 dwellings; Class B1 Business floorspace, extra care housing within Class C2, provision of public open space or for development of up to 200 dwellings, Class B1 Business floorspace, extra care housing within Class C2, provision of public open space, provision of land for a one form entry primary school; together with associated infrastructure including roads, drainage, access details from Radwinter*"
- 2.3 The ground levels rise from north to south. The site was an arable field but lies currently fallow.
- 2.4 The application site is located east of Saffron Walden and would form part of a larger urban extension of the town approved under the previous outline consent, UTT/13/3467/OP.
- 2.5 The character of the area surrounding the application site changes from one which is of an urban nature, to commercial/industrial, to one that is countryside. Radwinter Road forms a valley with a drainage ditch that runs along the boundary frontage, and thereafter the ground levels raising back up again southwardly.
- 2.6 The site falls within Flood Risk Zone 1 whereby there is low risk of flooding from

rivers. There are no other sources of flooding sources identified. The application site falls 300metres east of the Saffron Walden Air Quality Management Area, and north of the application is the MoD fuel storage depot.

- 2.7 The application site covers an area of 1.29 hectares, however originally formed part of the larger scheme covering an area of 13.9 hectares.
- 2.8 As part of the application it is proposed that primary access is taken from Myhill Close and onto Radwinter Road with secondary access from Shire Hill.
- 2.9 The application site previously formed part of Saffron Walden Policy 1 as a draft allocated site within the withdrawn Draft Local Plan.

### **3. PROPOSAL**

- 3.1 The application before us is for the renewal of the expired outline for the extra care element which was originally approved as part of UTT/13/3467/OP.
- 3.2 The proposed extra care unit would provide 144 bed spaces (indicatively shown as 13 on the lower ground, 27 ground floor, 32, first floor and 15 second floor). This would be in the form of up to 30 extra care x 1 bedroom apartments and up to 57 extra care x 2 bed apartments (all use Class C2) will be provided.
- 3.3 The previous outline application indicatively illustrated a care home up to 3 storeys and floorspace for approximately 30 extra care apartments; 12 extra care bungalows; and a 60 care bed home.
- 3.4 All matters except for access, which is proposed to be taken from Myhill Close, are reserved.
- 3.6 The scheme is speculative and therefore there are no details of a known end user or number of jobs which are likely to be generated. Whilst indicative plans have been provided showing layout and an indication that the scheme maybe 3 stories setting parameters, this is a reserved matter.

### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 Town and Country Planning (Environmental Assessment):  
The proposal constitutes a 'Schedule 2' development that is one which falls within Schedule 2 of the above Regulations. (Class 10(a) industrial estate development project where the development exceeds 0.5 hectare) thereby the proposed development would be required to be screened. The application has been screened whereby it has been concluded that an EIA is not required.

And

Human Rights Act considerations:

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

### **5. APPLICANT'S CASE**

- 5.1 The following documents have been put together and submitted in support of the

application;

- Landscape Strategy Plan
- Ground Investigation Report
- Phase One Desk Study Report
- Biodiversity Checklist
- Proposed Site Plan - 41112/001G
- Indicative Floor Plans – 41112/003C
- Location Plan - 41112/004C
- Design And Access Statement
- Revised Flood Risk Assessment Including Suds Checklist
- Incoming Services Appraisal
- Transport Statement 1
- Framework Workplace Travel Plan
- Landscape And Visual Impact Assessment Addendum
- Health Impact Assessment
- Arboricultural Impact Assessment
- Executive Summary Of Archaeological Desk-Based Assessment
- Archaeological Trial Trench Evaluation
- Updated Ecological Survey
- Planning Statement Including Sustainability Statement)
- Air Quality Assessment

- 5.2 The application site is located to the south of Radwinter Road and lies within an area identified as a site allocation in the Council's Regulation 18 Draft Local Plan (September 2017). This is a material consideration.
- 5.3 The principle of extra care housing on the site has already been accepted and the draft allocation cross refers to the planning permission, which includes extra care housing.
- 5.4 It is stated that the current application is within the approved parameters.
- 5.5 The following benefits is stated would result from the delivery of the care home;
- A care home development resulting in efficient use of the site;
  - The site is located as part of a site allocation in the Draft Local Plan 'Land South of Radwinter Road, Saffron Walden' and will help meet an identified need for extra care housing;
  - Achieving development in a sustainable location, with easy access to pedestrian routes, local facilities and amenities, and close to public transport including train and bus routes, minimising the need to travel by car;
  - Promotion of sustainable transport through significantly improved; connectivity and permeability through the local area;
  - Provision of a high standard of design and construction that will be able to provide a high standard of accommodation in terms of residential amenity;
  - The creation of internal gardens for the users of the site;
  - The creation of a 'circular' footpath around the site within a formally; designed landscape;
  - Use of sustainable construction methods incorporating a renewable energy strategy;

- Employment opportunities will be provided both directly and indirectly
- The development would support the community's health, social and cultural well-being;
- Landscaping and biodiversity would be enhanced and preserved;
- The C2 extra care home uses will provide jobs in the form of support assistants, care staff, management, catering, and maintenance. The exact number of staff cannot be predicted at this stage.
- In addition, jobs will be created during construction. The House Builders Federation suggest that direct jobs during the construction phase equate to 1.5 jobs per house and indirect jobs 4 per house. Therefore a development of up to 87 flats will provide for up to construction 478.5 jobs (direct and indirect).

*“Although an extra care home does not fall within the residential use class it does provide for specific accommodation needs which may in turn free up other housing. It provides the opportunity for high quality housing for the elderly and enables existing housing stock to be recycled for families who have the resources to improve the housing stock.”*

**Statement of Community Engagement:**

5.6 Due to the reduced nature of the development no additional public engagement was held since the original application in 2013.

**6. RELEVANT SITE HISTORY**

6.1 Below is a list of relevant major development which benefits from extant planning consent within Saffron Walden;

- UTT/13/268/OP - Granite Site - Demolition of the existing buildings and redevelopment to comprise retail warehouse units and associated garden centre (Class A1), a discount foodstore (Class A1), and a cafe (Class A3), including associated landscaping, car park, access, internal roads and cycle/footway, including the provision of access to adjoining land. Granted subject to S106 Agreement 10th May 2013;
- UTT/13/1937/OP - Land Behind The Old Cement Works, Thaxted Road - Outline application for up to 52 dwellings with all matters reserved except access – Granted subject to conditions and S106 September 2013;
- UTT/13/2423/OP - Land North Of Ashdon Road, Ashdon Road, Saffron Walden - Outline application for redevelopment of the site to provide up to 1.25 ha of land to be used as a Builders Merchants and Yard (use Class B8), up to 0.47 ha of land to be used for offices and/or Research Development and/or Light Industrial (Use Class B1 (a), (b) and ( C)), up to 1.16 ha of land for use as Business, general Industrial and Storage and Distribution uses (Use Class B1, B2 and /or B8), a Local Centre of up to 0.86 ha for uses falling within Use Class A1, including a local retail store (with the net A1 retail floor space limited to 279m2), a café/ restaurant/ public house (Use Class A3 and A4), a hotel (Use Class C1), up to 167 dwellings including affordable housing (Use Class C3) to be provided on 4.78 ha of land, together with public open space, landscaping and the provision of supporting infrastructure including replacement substations, and the demolition of existing buildings, with all matters reserved except for access - Granted subject to conditions and S106

26.11.2014

- UTT/13/1981/OP - Site At 119 Radwinter Road, Saffron Walden - 60 unit extra care facility resolved to be granted planning permission 20 November 2013;
- UTT/14/3182/FUL - Site At 119 Radwinter Road, Saffron Walden - Demolition of existing buildings and the erection of part two storey and part three storey building comprising 73 extra care apartments with associated communal facilities, hard and soft landscaping and parking spaces together with single storey sub-station to serve application and adjacent site – Granted 30.06.2016
- UTT/13/3406/FUL - Site At 121 Radwinter Road, Saffron Walden - Detailed proposal for 52 dwellings with access from Radwinter Road including landscaping and associated infrastructure – Resolved to be granted planning permission subject to S106 25.07.2014.
- UTT/12/5226/FUL - Land At Lodge Farm, Radwinter Road, Saffron Walden - Erection of 31 sheltered apartments including communal facilities, access, car parking and landscaping – Granted planning permission 4 January 2013
- UTT/13/3467/OP - Land South Of Radwinter Road, Radwinter Road, Saffron Walden - Outline planning application for either a residential development of up to 230 dwellings; Class B1 Business floorspace, extra care housing within Class C2, provision of public open space or for development of up to 200 dwellings, Class B1 Business floorspace, extra care housing within Class C2, provision of public open space, provision of land for a one form entry primary school; together with associated infrastructure including roads, drainage, access details from Radwinter – Granted planning permission 26.05.2015
- UTT/16/1856/DFO - Land South Of Radwinter Road, Radwinter Road, Saffron Walden - Application for the approval of matters reserved by outline planning permission UTT/13/3467/OP comprising the erection of 200 dwellings of mixed size and tenure, including link road, residential access roads, public open space, surface water attenuation areas and landscaping, and access to and preparation of land for a one form entry primary school. – Approved 13.01.2017
- UTT/16/1444/OP – Land behind the Old Cement Works, Thaxted Road, Saffron Walden - UTT/17/3038/DFO - Details following outline approval UTT/16/1444/OP for 35 no. dwellings comprising 21 market homes and 14 affordable homes. Details of appearance, landscaping, layout and scale – Granted 16.11.2016
- UTT/17/0255/FUL - Land to the West of Lime Avenue, Saffron Walden - Erection of 31 no. Dwellings with associated roads, car parking and landscaping – Granted 4.12.2017
- UTT/16/2210/OP - Outline planning permission for up to 85 residential dwellings (including 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point

from Little Walden Road and associated ancillary works. All matters to be reserved with the exception of the main site access. – Allowed on appeal 23.12.2016

## 6.2 Current applications under consideration;

- UTT/17/2832/OP Land North Of Shire Hill Farm Shire Hill - Outline application (with all matters reserved except access) for up to 100 dwellings, including affordable accommodation, in addition to the provision of land to facilitate an extension to the approved primary school (Planning Application Ref: UTT/13/3467/OP), and associated open space, drainage, landscaping, access and parking.
- UTT/18/0824/OP – Land East Of Thaxted Road Thaxted Road - Outline planning application for the development of up to 150 dwellings (Use Class C3) with all matters reserved except access
- UTT/17/3413/OP – (Ridgeons) Commercial Centre Ashdon Road Saffron Walden - Outline permission with all matters other than access reserved for the erection of up to 55 dwellings, up to 3,650m<sup>2</sup> of B1, B2 and or D2 floorspace in the alternative, (with the maximum GIA of the D2 floorspace not to exceed 940m<sup>2</sup>) and the erection of up to 335m<sup>2</sup> of A1 floor space (with the net retail sales area not to exceed 279m<sup>2</sup> GIA) together with associated open space, landscaping, parking and supporting infrastructure
- UTT/17/3429/OP - Outline planning application, with all matters reserved except for access, for Business Use (Use Class B1) together with associated infrastructure including roads, drainage, access details from Shire Hill.

## 7. POLICIES

### 7.1 National Policies

- National Planning Policy Framework

### 7.2 Uttlesford Local Plan (2005)

- S7 Countryside
- GEN1 Access
- GEN2 Design
- GEN3 Flood Risk
- GEN4 Good Neighbourliness
- GEN5 Light Pollution
- GEN6 Infrastructure Provision to Support Development
- GEN7 Nature Conservation
- GEN8 Vehicle Parking Standards
- ENV4 Ancient Monuments and Sites of Archaeological Importance
- ENV5 Protection of Agricultural Land
- ENV12 Protection of Water Resources
- ENV13 Exposure to Poor Air Quality
- ENV14 Contaminated Land
- ENV15 Renewable Energy
- E4 Farm Diversification: Alternative use of Farmland

## 8. Saffron Walden Town Council

8.1 To support the principle of the care housing provision and that the Committee looks forward to receiving full and further details of the reserved matters in due course. The Committee further commented as follows:

- i. That any S106 contributions arising from this development should be in favour of the Town Council and should be provided for public open spaces, recreational facilities and specifically towards health and medical care
- ii. That the number of rooms within the care home (yet to be determined) must count towards the housing allocation numbers for Saffron Walden as part of the emerging Local Plan
- iii. That the footprint of the building should be set back from the kerbside (Unlike that opposite this proposal) to create a better urban design and flow
- iv. That the application should be restricted in height so that it has minimal impact on the street scene and on those houses to be built in close proximity to the care home.

## **9. CONSULTATIONS**

### **ECC Ecology**

9.1 No objection

The Updated Ecological Survey work dated Oct 2017, Aspect Ecology states the proposals are unlikely to impact designated sites, protected/priority species or priority habitats.

The OPDM Circular 06/05 is clear that further surveys are only required if there is a reasonable likelihood of biodiversity being impacted. Given the low ecological value of the site, further surveys are not required.

### **Aerodrome Safeguarding**

9.2 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.

### **Environment Agency**

9.3 No objection however this site location is adjacent to a Lower Tier CoMAH Establishment which stores, and transfers, aviation fuel. While we have no objections from a Competent Authority regulatory perspective on the environmental aspect, the views from the Health & Safety Executive should be sought if they have not already been consulted.

### **CLH PIPELINE (FISHER GERMAN)**

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

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

### **UK Power Networks**

9.5 Thank you for contacting us regarding UK Power Networks equipment at the above site. I have enclosed a copy of our records which show the electrical lines and/or electrical plant. I hope you find the information useful.

I have also enclosed a fact sheet which contains important information regarding the use of our plans and working around our equipment. Safety around our equipment is our number one priority so please ensure you have completed all workplace risk assessments before you begin any works.

Should your excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact us to obtain a copy of the primary route drawings and associated cross sections

### **ECC Archaeology**

9.6 The Historic Environment Record shows that the proposed development area has previously been archaeologically evaluated with very limited deposits identified (EHER 48792). The archaeological evaluation report forms part of the planning application. It is unlikely that the development will impact on significant archaeological deposits. Therefore, no archaeological recommendations are being made on this application.

### **Environmental Health**

9.7 *Letter dated 2/01/18*  
Further information subject to conditions

### **Noise Impact**

A thorough noise impact assessment was submitted in support of UTT/13/3467/OP. This showed that the retirement village proposed at that time would be exposed to unacceptable levels of noise from traffic on Radwinter Road. Conditions to control noise will be required at the detailed design stage.

### **Contaminated land**

The phase 1 site investigation has identified low risks of contamination resulting from pesticide use on site, possible made ground, and migration from adjacent sites and the report recommends further intrusive investigation. A condition is recommended.

### **Air Quality**

There is a risk of dust emissions affecting nearby receptors during the construction phase. A condition is recommended to require submission and approval of measures to control this. The dust management measures proposed in Table 20 of the submitted Air Quality Assessment would be acceptable.

The Air Quality Assessment (AQ104200R1) submitted in support of this application has used the same traffic data and obtained the same results as in the assessment REC AQ104201R1 submitted for application UTT/17/3429 for business use on another part of the site. It is unclear what relationship (if any) the data have to the actual traffic that may be generated by these two different parts of the development. The trip rates predicted in the transport assessment for the

Care home are considerably lower than those in the corresponding document for the business use.

Table 21 of the AQA showing the changes in nitrogen dioxide levels with and without the development is misaligned. The changes shown in column 5 relate to the receptor in the line above. The classification according to the UDC draft technical guidance is also incorrect in many instances: any change greater than  $0.4 \mu\text{g}/\text{m}^3$  should be classified as a “small” increase. The changes are presented correctly in Table 22, but column 3 shows the actual predicted changes, not the percentage change relative to the objective as indicated.

The applicant should be asked to provide a correct version of Table 21 and to clarify whether the traffic data used and the results obtained apply to the Business Use or the Care Home.

The air quality modelling in the assessment predicts small increases ( $0.4$ -  $2.0 \mu\text{g}/\text{m}^3$ ) in nitrogen dioxide levels at 28 of the 50 receptors, and imperceptible increases at the remaining receptors. According to EPUK criteria, the impact of these increases is predicted to be negligible in most cases, slight at 7 receptor locations and moderate at the Thaxted Road/Radwinter Road junction (where there is already an exceedance of the nitrogen dioxide standard).

Although the predicted air impacts are generally small, the development will nevertheless add to local air pollution in and near the existing AQMA. Uttlesford Policy EN 2 states that “*development within or affecting an Air Quality Management Area (AQMA) ...will be expected to contribute to a reduction in levels of air pollutants within the AQMA's.*”

Mitigation against these impacts would therefore be required if it is confirmed that this modelling is applicable to the Care Home development.

*Letter dated 8/1/18*

No objections subject to conditions;

#### Noise Impact

A thorough noise impact assessment was submitted in support of UTT/13/3467/OP. This showed that the retirement village proposed at that time would be exposed to unacceptable levels of noise from traffic on Radwinter Road. Conditions to control noise will be required at the detailed design stage.

#### Contaminated land

The phase 1 site investigation has identified low risks of contamination resulting from pesticide use on site, possible made ground, and migration from adjacent sites and the report recommends further intrusive investigation. A condition is recommended.

#### Air Quality

There is a risk of dust emissions affecting nearby receptors during the construction phase. A condition is recommended to require submission and approval of measures to control this. The dust management measures proposed in Table 20 of the submitted Air Quality Assessment would be acceptable.

The revised Air Quality Assessment (AQ104200R2) submitted in support of this application has used the combined traffic data predicted for both this development

and the business use applied for on another part of the site (UTT/17/3429). The trip rates predicted in the transport assessment for the care home are considerably lower than those in the corresponding document for the business use so this air quality assessment over-estimates the impact of the care home. I consider that the mitigation measures requested on UTT/17/3429 are appropriate mitigation for the combined traffic impact of both developments.

### **ECC SUDs**

#### 9.8 *Letter dated 2 January 2018*

Lead Local Flood Authority position Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a holding objection to the granting of planning permission based on the following:

##### **Inadequate Surface Water Drainage Strategy**

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

Demonstrate Discharge rates have been sufficiently limited.

We would expect the run-off to be discharging at the 1 in 1 Greenfield rate, where this rate is lower than 1l/s we would accept the rates to be restricted back to 1l/s. There are now vortex flow control devices which can be designed to a discharge at 1l/s, with 600mm shallow design head and still provide a more than 50mm orifice diameter. Furthermore, it is expected that appropriate measure should be put in place to remove materials that are likely to cause blockage before they reach the flow control device.

Storage will need to be revised in line with the revised run off rates.

Demonstrate sufficient treatment of surface water

Compliance with CIRIA C753 guidance on water quality should also be demonstrated. The type of solution to be used will need to match up with the mitigation Index score, as well as the corresponding methods of managing pollution risk.

In the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required. Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

#### *Letter dated 12 February 2018*

Lead Local Flood Authority position 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.

### **ECC Highways**

#### 9.9 *Letter dated 19.04.2018:*

This application was first submitted and approved as part of planning application

UTT/13/3467/OP, the traffic generation was taken into account in that application and has not changed in this application. The conditions required as part of UTT/13/3467 are assumed to be passed on to the residential element of UTT/13/3467 for discharge. The conditions and obligations below refer specifically to this application, however it has been necessary to refer to highway layout currently under construction for conditions 2 and 5, the drawing is provided with this recommendation and referenced in the informative.

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

### **Landscape Officer**

9.10

Comments from previous application UTT/13/3467/OP;

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

The proposed development would be visible in distant views taken from the Harcamlow Way running along the valley ridge to the north, and from points along the public footpath (No22) to the east of the site. The site can also be glimpsed in views from points on the Ashdon Road. Whilst these views of the site are distant, they do afford and strengthen an appreciation of the setting of the town within the surrounding open countryside. New planting as part of the landscaping treatment would mitigate the impact of the development to some extent although this would not overcome the loss of open countryside.

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

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

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

Some 24no. trees have been identified as been required to be removed in order to implement the development but these subjects are of moderate or low quality. There are no high quality trees on the site proposed to be removed as part of the development. New tree planting as part of a comprehensive scheme of landscaping would help soften the proposed development and define the character of the proposed development.

The introduction of house lights and street lighting would affect the night time character of the site. The effect of external lighting on the wider open countryside could be ameliorated by dark sky lighting design being applied to limit light spillage.

The proposed development would not conserve or enhance the open countryside

or the setting of Saffron Walden within the open countryside. However, the visual impact of the development could be significantly reduced by the implementation of a comprehensive scheme of structural landscaping.

### **ESP Utilities Group Ltd**

- 9.11 We can confirm that ESP Utilities Group Ltd may have gas and electric assets within the vicinity of your search. We ask that you contact ESP Utilities Ltd directly on the details shown below to request further information.

### **Anglian Water**

- 9.12 Section 1 – Assets Affected

1.1 There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

“Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.”

#### Section 2 – Wastewater Treatment

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

#### Section 3 – Foul Sewerage Network

3.1 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)

## 10. REPRESENTATIONS

10.1 The application has been advertised on site and within the local press. Neighbouring residential occupiers have also been consulted of the application. As a result 2 letters were received raising the following points;

- Comments raised relates to East Thames development and not the subject of this application.
- Traffic
- Lack of infrastructure capacity
- Highways safety
- Air pollution

## 11. APPRAISAL

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

- A Principle;**
- B Design & Amenity;**
- C Highways;**
- D Landscaping and Ecology;**
- E Drainage**
- F Archaeology**
- G Infrastructure**
- H Other issues;**

### **A Whether the principle is acceptable;**

11.1 The application site is located outside the development limits of Saffron Walden and is therefore located within the Countryside where ULP Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence, the proposal is contrary to Policy S7 of the 2005 Local Plan.

11.2 A review of the Council's adopted policies and their compatibility with the NPPF has been carried out on behalf of the Council by Ann Skippers Planning. Policy S7 is found to be partly consistent with the NPPF. The protection and enhancement

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

- 11.3 Paragraphs 7 and 14 of the NPPF set out that there is a presumption in favour of sustainable development. The core principles of the NPPF set out the three strands of sustainable development. These are the economic role, social role and environmental role. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously.
- 11.4 The proposal will involve the loss of best and most versatile agricultural land. This is defined both by the Local Plan and the NPPF so as to include land in Agricultural Land Classification (ALC) Grade 2. Local Plan Policy ENV5 does not seek to prevent the loss of Best and Most Versatile land (BMV) agricultural land if there is no lower value land available.
- 11.5 The principle of the proposed development has been previously approved under planning permission UTT/13/3467/OP. The loss of agricultural land was considered at the time, as was the location of the development and its sustainability. The site was determined to be sustainable and the principle of the generation of additional employment was considered acceptable. As result the principle of the proposed development accords with Local Plan Policies S7, E4, and ENV5, and in accordance with the NPPF.

## **B Design & Amenity**

- 11.6 With regards to the proposed design of the scheme the NPPF and Local Plan Policy GEN2 seeks for quality design, ensuring that development is compatible in scale, form, layout, appearance and materials. The policies aim to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole seeking high quality design.
- 11.7 As to whether the scheme would be compatible with the character of the adjacent settlement area and the wider countryside, the scheme would see development on the urban fringe of the Saffron Walden, outside Development Limits. This would be built adjacent to existing built form and the new 200 dwellings which are being implemented. This would also be read against the proposed development for employment space currently being considered under UTT/17/3429/OP and Tesco's which are sited to the west of the application site.
- 11.8 Whilst the design of the proposed development is a reserved matter illustrative plans have been submitted as part of the application to demonstrate how the scheme can be implemented.
- 11.9 The Design and Access Statement (DAS) for the previous application confirmed (page 52) that the proposed height for the extra care housing would be 3 storeys. The DAS also stated that the amount of beds proposed, how these could be arranged and that the current proposals are within the previous parameters set out in the previous outline planning permission on the site.

- 11.10 The indicative plans demonstrate that there would be landscaping spaces around the perimeter of the scheme which could facilitate in providing a buffer and relief to the shared boundaries and parking located within a central court area and to the west of the site. Together with this and the relationship with the residential properties located to the south and north there is unlikely to be amenity issues of outlook, overlooking or overshadowing, however this would be assessed at reserved matter stage should planning permission be granted.
- 11.11 Through the incorporation of design techniques and principles the proposal will be able to discourage and minimise the risk of crime and anti-social behaviour through natural and informal surveillance.
- 11.12 A Sustainability Statement has been submitted outlining how the proposed development would meet the principle of sustainable design. Some of the measures identified include air tight insulation; high efficiency boilers; low energy lighting; photovoltaics; and, low water demand appliances.
- 11.13 This is in accordance with Local Plan Policy GEN2 and the NPPF.

## **C Highways**

- 11.14 Local plan policy GEN1 states “development will only be permitted if it meets all of the following criteria;
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
  - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
  - c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
  - d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expects to have access.
  - e) The development encourages movement by means other than driving a car.”
- 11.15 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework.
- 11.16 A Transport Assessment has been submitted as part of the application.
- 11.17 The site is considered to be sited within a sustainable location being located;
- Adjacent to Tesco and bus stops;
  - Within 6 minute walk to the hospital facilities including dentist at Saffron Walden Community Hospital;
  - Within a 12 minute walk to Lord Butler Leisure Centre;
  - Within 12 minute walk to the following schools St Mary’s Primary School, The R A Butler primary school and St Thomas More;
  - Within 12 minute walk to the town centre;
  - Railway station Audley End approximately 5.9km
- 11.18 The proposed development will be well served and accessible to more sustainable modes of transport. There is a regular bus service which operates within close

proximity of the application site. The nearest existing bus stops to the proposal are located at the bus interchange within Tesco off Radwinter Road and Elizabeth Way approximately 100metres. The application site will be served by the wider scheme whereby a bus route has been secured/ capable of going through the site, also a dedicated 3m wide shared cycleway / footway will be provided for users. In consideration of the above the subject site is considered to be located within a sustainable location in accordance with Local Plan Policy GEN1 and in accordance with the golden thread of the NPPF.

- 11.19 The number of vehicle movements does not differ from the original outline application which was granted, and therefore no objections have been raised by ECC Highways as a result, subject to conditions. A Framework Travel Plan has been produced for the development. This Travel Plan, which will be secured under a S106 agreement, will target a reduction in single occupancy vehicle trips. It has been stated within the submission that the proposed extra care home will aim to achieve a 10% reduction in single occupancy vehicle journeys to work, within a 5 year period of occupation.
- 11.20 Access has been specified to be from Myhill Close, which is off Radwinter Road. As the development would form part of the wider development, located off the internal spine road for the wider residential development which would also lead to the wider sites second access point Shire Hill.
- 11.21 The proposed scheme is stated to provide 60 car parking spaces and 15% disabled parking bays (8 spaces). The Essex Parking Standards seeks the provision of 1 space per full time equivalent staff plus 1 space per 3 beds. Due to the speculative nature of the application the number of staff is not know at this time. 48 spaces are required to be automatically provided due to the number of beds provided. However, it should be noted that this is a reserved matter for further consideration at a later date. The scheme, however, is capable of according with Local Plan Policy GEN8, Essex Parking Standards (2009).
- 11.22 In considering the above, the proposed development is acceptable in terms of highways and it is also therefore in accordance with Policies GEN1, GEN2, and GEN8 of the adopted Local Plan (2005). As a result of the above no objections have been raised by ECC Highways, subject to conditions.
- 11.23 In terms of air quality, a revised Air Quality Assessment has been submitted as part of the application. The accompanying Air Quality Assessment stated *“Dispersion modelling was also undertaken in order to predict pollutant concentrations across the proposed site and at sensitive receptor locations as a result of emissions from the local highway network. The results indicated that pollutant levels at specific sensitive receptor locations ranged from imperceptible to medium according to local air quality planning guidance and, as such, the location is considered suitable for the proposed end-use with the inclusion of practical mitigation methods as detailed in the report.”*
- 11.24 The impact of dust generated by earthworks, construction and trackout activities can be mitigated through conditions should planning permission be granted. Table 22 within the Assessment highlighted that the significance of impacts on annual mean NO2 concentrations as a result of the development was predicted to be negligible at 42 receptor locations, slight at 7 receptor locations and moderate at 1 receptor location (R7). Table 23 demonstrated that the predicted annual mean PM10 concentrations did not exceed the AQO at any sensitive receptor location. Table 24 showed that the significance of impacts on annual mean PM10

concentrations as a result of the development was predicted to be negligible at all sensitive receptor locations considered. As highlighted in paragraph 9.7 Environmental Health was consulted of the application and additional information was provided as a result they stated the following “*There is a risk of dust emissions affecting nearby receptors during the construction phase. A condition is recommended to require submission and approval of measures to control this. The dust management measures proposed in Table 20 of the submitted Air Quality Assessment would be acceptable.*”

*The revised Air Quality Assessment (AQ104200R2) submitted in support of this application has used the combined traffic data predicted for both this development and the business use applied for on another part of the site (UTT/17/3429). The trip rates predicted in the transport assessment for the care home are considerably lower than those in the corresponding document for the business use so this air quality assessment over-estimates the impact of the care home. I consider that the mitigation measures requested on UTT/17/3429 are appropriate mitigation for the combined traffic impact of both developments.”* Therefore, it was concluded that no objections was raised subject to conditions.

- 11.25 It should be emphasised that the principle of the development has been previously approved and there will be no increase in the number of vehicle movements to those which have been approved as part of the previous outline application. There have been no changes in circumstances other than the implementation of committed developments already considered. The proposed development is considered to be acceptable and in accordance with policy subject to conditions.

#### **D Landscaping and Ecology**

- 11.26 An indicative landscaping strategy plan has been submitted as part of the application. A Landscape & Visual Impact Assessment Addendum was also submitted as part of the application. It has been highlighted within the report that key features have been retained within the landscaping strategy. The plan indicates that the boundaries would be retained, improved and reinforced. The illustrative layout indicates that the development would be within the core of the site and the main sensitive boundaries would be retained. The proposed development would be considerably set back from the frontage.
- 11.27 The proposed scheme would sit on the lowest ground level area amongst the larger, wider site and will be flanked by development to the west and south. Due to this the visual impact of the proposed development would be limited, and assimilated within the wider development due to the proposed landscaping. It should be noted however that landscaping is a reserved matter which is to be considered at a later date should planning permission be granted.
- 11.28 Since the determination of the wider development there has been the implementation of the 200 dwellings to the south apart of the wider scheme, the extra care East Thames development to the northwest and Countryside’s housing to the north-north-west. Due to the proposed nature of the development in this locality the views affected would be negligible.
- 11.29 No objection was largely raised by the Landscape Officer as part of the consultation of the wider scheme subject to the implementation of a comprehensive scheme of structural landscaping which could significantly reduce the visual impact of the development. The scheme is therefore considered to accord with Local Plan Policy GEN2, GEN7, ENV3, and ENV8 of the Uttlesford

Local Plan (adopted 2005).

- 11.30 With regards to ecology an updated survey work was completed autumn of 2017 in order to confirm the current position in regard to the habitats present within the site. This concluded *“the update survey work undertaken has recorded the position in regard to habitats and protected species to remain largely unchanged from the previously reported information submitted to inform the previously permitted outline scheme insofar as it relates to the land within the current site boundary.”* ECC Ecology raised no objections. The proposed development is in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

## **E Drainage**

- 11.31 Due to the scale of the proposed development a Flood Risk Assessment has been submitted as part of the application. The Flood Risk Assessment has looked at both scheme options and the vulnerability of the various uses has been taken into account. The site falls within Flood Risk Zone 1 whereby there is low probability of flooding as a result of watercourses or the sea, less than 1 in 1000 annual probability. Due to the nature of the ground there is a low probability of flooding from ground water. As a result of the site’s classification no sequential or exception test will be required. Also, no flood compensation measures will be required either.
- 11.32 Nonetheless, as the scheme had formed part of wider development a Revised Flood Risk Assessment was undertaken and revisited as part of this application.
- 11.33 It is stated within the FRA whilst infiltration test will be carried out whilst designing the scheme it is considered that due to the chalky nature of the geology infiltration techniques will not be viable, there are no watercourse nearby and therefore the dispose of foul water would need to be to the nearest sewer.
- 11.34 The FRA goes onto state that surface water discharge rates will be restricted to greenfield runoff rates to ensure that the rate of surface water runoff from the site does not increase as a result of the proposed development. Surface water attenuation will be provided within geocellular attenuation and permeable paving in car park areas. Foul water will discharge to Anglian Water’s sewer network. *“The surface water drainage from this site, post development, is such that the surface water will be managed and disposed of within the site boundary, thus complying with the Planning Practice Guidance for ‘Flood Risk and Climate Change’ to the National Planning Policy Framework. Based on the above, providing the above strategies are adopted the developed site will not contribute further to flood risk thus satisfying the principles of the National Planning Policy Framework.”*
- 11.35 ECC SUDs have been consulted of the application and the submitted FRA. As a result of further information being submitted ECC SUDs raise no objections subject to conditions. Anglia Water have also sought a condition to be imposed should planning permission be granted relating to drainage strategy and foul water. The development is therefore considered to be in accordance with Policy GEN3 of the adopted Local Plan and the NPPF.

## **F Archaeology**

- 11.36 An Archaeological Desk-based Assessment and an Archaeological Trial Trenching Assessment has been submitted in support of the application.

- 11.37 The assessment stated that the desk-based assessment has identified moderate and low potential for remains (Heritage Assets) of all periods, except for Anglo-Saxon to post-medieval agricultural features where potential is high. Any remains within the site are threatened by the proposed development, but any remains are likely to be plough-damaged. Trial trenches covering the application site have discovered no remains in this location.
- 11.38 ECC Archaeology have been consulted of the application and have stated that *“The Historic Environment Record shows that the proposed development area has previously been archaeologically evaluated with very limited deposits identified (EHER 48792). The archaeological evaluation report forms part of the planning application. It is unlikely that the development will impact on significant archaeological deposits. Therefore, no archaeological recommendations are being made on this application.”*
- 11.39 This is in accordance with adopted Local Plan Policy ENV4 and the NPPF.
- Other issues;**
- 11.40 In terms of contamination, a desk top survey has been undertaken and is submitted as part of the application. Environmental Health have been consulted of the application as well as the Environment Agency.
- 11.41 With regards to the prevention of the watercourse contamination, the development site falls within Groundwater Source Protection Zones and overlies a Principal Aquifer the EA have previously suggested conditions relating to details of surface water drainage and details of pollution control measures to be submitted for approval. This is in accordance with Local Plan Policy ENV12.
- 11.42 The Phase 1 Site Investigation has identified low risks of contamination resulting from pesticide use on site, possible made ground, and migration from adjacent sites and the report recommends further intrusive investigation. A condition is recommended. Therefore considered to be in accordance with Local Plan Policies ENV14 and ENV12.
- 11.43 Stansted Airport has no safeguarding objections to the proposal.
- 11.44 The wider site which forms part of previously outline consent is located within close proximity to the oil pipelines (located to the northeast) which extends from the AMCO storage facility. The subject of this application lies however outside of the consultation zone. The HSE remain the main statutory consultee and no risks have been raised by them as part of the original application. This in accordance with Local Plan Policy GEN2 therefore the application is acceptable in this respect.
- 11.45 There are utility apparatus in the vicinity of the development which the developer needs to be mindful of and to consult the relevant utility companies prior to the commencement of development should planning permission be granted.
- 11.46 A Health Impact Assessment (HIA) has been submitted as part of the application. This outlined that there are a variety of services in the surrounding locality which are accessible. It has been concluded within the report that *“the proposal would therefore not significantly impact upon the provision of existing health services within the local area or result in an under-provision of services for the existing and*

*proposed population”.*

- 11.47 The NHS have been consulted of the application however have not responded. In terms of the original application they sought a financial contribution of financial contribution of £33,600 which would be required to mitigate the ‘capital cost’ to the NHS for the provision of additional healthcare services arising directly as a result of the development proposal. Based upon the sought after amount for dwellings an agreed formula based approach on the basis of approximately £146 per residential dwelling, and not the extra care element will be provided. In accordance with Policy GEN6 of the Local Plan.

## **12. CONCLUSION**

- 12.1 The principle of the proposed development has been previously approved under planning permission UTT/13/3467/OP. The loss of agricultural land was considered at the time, as was the location of the development. The site was determined to be sustainable and the principle of the generation of additional employment generator was considered acceptable. As result the principle of the proposed development accords with Local Plan Policies S7, E4, and ENV5, and in accordance with the NPPF.
- 12.2 The design of the proposed development is a reserved matter, however the current proposals are within the previous parameters set out in the previous outline planning permission on the site.
- 12.3 The indicative plans demonstrate that there would be landscaping spaces around the perimeter of the scheme which could facilitate in providing a buffer and relief to the shared boundaries. Together with this and the relationship with the existing residents there is unlikely to be any amenity issues of outlook, overlooking or overshadowing. The scheme accords with Policy GEN2 of the Local Plan.
- 12.4 The proposed development will be well served and accessible to more sustainable modes of transport. In consideration of the above the subject site is considered to be located within a sustainable location in accordance with Local Plan Policy GEN1 and in accordance with the golden thread of the NPPF.
- 12.5 The number of vehicle movements does not differ from the original outline application which was granted, therefore no objections have been raised by ECC Highways as a result. A Framework Travel Plan has been produced for the development. This Travel Plan, which will be secured under a S106 agreement, will target a reduction in single occupancy vehicle trips. It is considered that the number of vehicle trips generated by the offices will not have a significant adverse impact on the surrounding highway infrastructure.
- 12.6 Access has been specified to be from Myhill Close as the development would be located off the internal spine road for the wider residential development which would also lead to the wider sites primary access point on Radwinter Road, with a secondary access onto Shire Hill industrial estate.
- 12.7 Adequate parking provision is capable of being provided on site in accordance with adopted parking standards and Local Plan Policy GEN8, however this is also a reserved matter.
- 12.8 In terms of air quality, an Air Quality Assessment has been submitted as part of the application. Table 22 within the Assessment highlighted that the significance

of impacts on annual mean NO<sub>2</sub> concentrations as a result of the development was predicted to be negligible at 42 receptor locations, slight at 7 receptor locations and moderate at 1 receptor location (R7). Table 23, predicted annual mean PM<sub>10</sub> concentrations did not exceed the AQO at any sensitive receptor location. Table 24, the significance of impacts on annual mean PM<sub>10</sub> concentrations as a result of the development was predicted to be negligible at all sensitive receptor locations considered.

- 12.9 The impact of dust generated by earthworks, construction and tracked out activities are also predicted to be negligible and can be mitigated through conditions should planning permission be granted. No objection has been raised by Environmental Health subject to conditions.
- 12.10 In terms of landscaping this is a reserved matter. However, due to the sites location and siting the views affected would be negligible. The existing landscaping around the sites perimeters is stated to remain, be reinforced and improved.
- 12.11 No objection was largely raised by the Landscape Officer as part of the consultation of the wider scheme subject to the implementation of a comprehensive scheme of structural landscaping which could significantly reduce the visual impact of the development. The scheme is therefore considered to accord with Local Plan Policy GEN2, GEN7, ENV3, and ENV8 of the Uttlesford Local Plan (adopted 2005).
- 12.12 ECC Ecology raise no objection subject to conditions. Therefore, the proposed development is in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).
- 12.13 A number of Flood Risk Assessments have been undertaken as part of the proposed development. ECC SUDs have been consulted of the application and the submitted FRA. As a result of further information being submitted ECC SUDs raise no objections subject to conditions. The development is therefore considered to be in accordance with Policy GEN3 of the adopted Local Plan and the NPPF.
- 12.14 An Archaeological Desk-based Assessment and an Archaeological Trial Trenching Assessment has been submitted in support of the application. No objections or recommendations have been made by ECC Archaeologists. This is therefore considered to be in accordance with adopted Local Plan Policy ENV4 and the NPPF.
- 12.15 In terms of contamination, the Phase 1 Site Investigation has identified low risks of contamination resulting from pesticide use on site, possible made ground, and migration from adjacent sites and the report recommends further intrusive investigation. A condition is recommended. Therefore considered to be in accordance with Local Plan Policies ENV14 and ENV12.
- 12.16 No objections or concerns are raised regarding safeguarding, the proximity to the oil pipelines, or utility apparatus in the vicinity.

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

- (I) The applicant be informed that the committee would be minded to**

refuse planning permission for the reasons set out in paragraph (III) unless by the 29 June 2018 the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Director: Legal & Governance, in which case he shall be authorised to conclude such an obligation to secure the following:

- (i) Submission of travel plan
- (ii) Payment of monies relating to travel plan monitoring
- (iii) Pay Councils reasonable costs
- (iv) Pay monitoring costs
- (v) Transfer of Section 106 relating to UTT/13/3467/OP covering the following;
  - (i) Education contribution and securing provision of 1.2ha of land for the provision of primary school.
  - (ii) Provision of open space within the development and transfer to Town Council or Management Company.
  - (iii) Financial contribution towards NHS Healthcare Facilities.
  - (iv) Carrying out of any highway works required.
  - (v) Financial contribution towards highway works
  - (vi) A financial contribution towards an extension to the existing bus service serving the residential part of the development site and the installation of bus stops/shelters and layby.
  - (vii) Contribution of £112,700 towards the implementation/construction of the Wenden Road cycle path link scheme or 23% of the total cost, whichever is the lower.
  - (viii) Contribution to District Council to provide and enhance sport and recreation facilities on the land south of Thaxted Road to include improved facilities for the existing skate park, rugby pitches, running track, a pavilion/associated building or buildings and car parking.
  - (ix) Contribution towards the maintenance of open space for 20 years if the land is to be maintained by Town or District Council.
  - (x) Provision of 40% affordable housing.
  - (xi) Payment of monitoring fee.
  - (xii) Pay Councils reasonable costs.
  - (xiii) Travel Plan and monitoring fee

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

(III) If the freehold owner shall fail to enter into such an obligation, the Assistant Director Planning shall be authorised to refuse permission in his discretion at any time thereafter for the following reason:

- (i) No submission of travel plan
- (ii) Lack of payment of monies relating to travel plan monitoring

Also, to include those outlined in the S106 to UTT/13/3467/OP covering the following;

- (i) Failure to provide Education contribution and securing provision of 1.2ha of land for the provision of primary school
- (ii) Failure to provide open space and Transfer of open space

- (iii) **Lack of financial contribution towards NHS Healthcare Facilities**
- (iv) **Failure to carrying out of highway works required by the Essex Highways Assessment**
- (v) **Lack of financial contribution towards highway works and public transport**
- (vi) **Lack of financial contribution towards the implementation/construction of the Wenden Road cycle path link scheme**
- (vii) **Lack of contribution to District Council to provide and enhance sport and recreation facilities**
- (viii) **Lack of contribution towards the maintenance of open space for 20 years**
- (ix) **Failure to provide 40% affordable housing**
- (x) **Lack of Travel Plan and monitoring fee**

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

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

2. (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.  
(B)The development hereby permitted shall be begun later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

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

3. Prior to 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).

4. The approved landscaping details shall be implemented in the first planting and seeding season following the first occupation of this phase of 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.

REASON: To ensure that the long-term health and species rich nature of the existing landscape features within and adjoining the site are consolidated and maintained free of invasive or alien species in accordance with the policy for nature conservation in the Local Plan, Policy GEN2, ENV3 and GEN7 of the Uttlesford Local Plan (adopted 2005).

5. LA12 No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction - Recommendations has been submitted to and approved in writing by the local planning authority. The scheme shall include:

(a) All tree work shall be carried out in accordance with British Standard BS3998 - Recommendations for Tree Work.

(b) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within [1-5 years] from [the date of the occupation of the building for its permitted use], other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

(c) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and planted, in accordance with condition (4 ), at such time as may be specified in writing by the local planning authority,.

(d) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.

(e) No equipment, machinery or structure shall be attached to or supported by a retained tree.

(f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

(g) No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

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

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

6. 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 1l/s 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. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site. In accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

7. 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.

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.

In accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

8. 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.

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.

In accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

9. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk. In accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

10. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in all the ecological reports - Ecological Appraisal (Sept 2013) and Updated Ecology Survey Report (Aspect Ecology, Oct 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

REASON: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species). In accordance with the policy for nature conservation in the Local Plan, Policy GEN2, ENV3 and GEN7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

11. Prior to installation, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

12. Parking, storage facilities and wheel cleaning facilities shall be provided on site from commencement and throughout the period of construction.

REASON: To ensure that onstreet parking of these vehicles in the adjoining streets does not occur and to ensure that there is a facility to allow provision for wheel cleaning on site so that there that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011 and Local Plan Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

13. Prior to first occupation, the access shall be provided at right angles to the access/link road for the residential area, with carriageway width of minimum of 5.5m, 2 x 2m footways, with drop kerb crossings and radii of a minimum 8m. (see informative 1)

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

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

14. Prior to first occupation a walking/cycling access should be provided from the site to the proposed cycleway to the west of the site (shown on drawing number/001H). The access should be a minimum of 3m wide, have adequate visibility splays and link to the cycle parking and buggy parking and entrance to the care home facility via a 3m footway/cycleway.

REASON: To increase the accessibility and sustainability of the site by facilitating walking and cycling in accordance with Policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Local Plan Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

15. The land to the south east of the site that contains the 43m forward visibility splay for the access/link road to the east of the site to be maintained free of obstacles and vegetation above the height of 600mm thereafter in perpetuity. (See informative 1)

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

16. 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 and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Local Plan Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

17. The Cycle / Powered Two wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle / powered two wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Local Plan Policy GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

18. The number of parking spaces shall be in accordance with those standards set down within Essex County Council's Parking Standards Design and Good Practice, September 2009 and Uttlesford Local Residential Parking Standards February 2013.

REASON: To ensure that appropriate parking is provided in the interests of highway safety and efficiency in accordance with policy DM8 of the Highway Authority's Development Management Policies, adopted as County Council

Supplementary Guidance in February 2011 and Local Plan Policy GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

19. Electric vehicle charging points will be installed at the rate of 1 point per 10 spaces for unallocated parking, these shall be provided, fully wired and connected, ready to use before first occupation of the site and retained thereafter.

REASON: In the light of the additional parking being provided this will facilitate sustainable modes of transport in a development that will contribute to impact upon an Air Quality Management Area and in accordance with the National Planning Policy Framework (para35) that 'Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles'. This is in accordance with Policies GEN1 and ENV13 of the Uttlesford Local Plan (adopted 2005).

20. In the event that contamination is found at any time when carrying out the approved development, it must be reported immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An investigation and risk assessment to assess the nature and extent of the contamination must be completed and submitted to and approved in writing by the Local Planning Authority. If identified as being necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health and other relevant receptors must be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s). Remediation of the site shall be carried out in accordance with the approved scheme. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, GEN4, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005) and in accordance with the NPPF.

21. No development, including ground works, shall take place until a Construction Method Statement including measures to control the emission of dust and dirt during construction has been submitted to, and approved in writing by the local planning authority. The approved Statement shall thereafter be adhered to throughout the construction period.

REASON: In the interests of the amenity of surrounding locality residential /business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

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

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

23. Before the commencement of development details of a plant/machinery, noise (which would incorporate the expose of noise from Radwinter Road upon the residential properties) and dust mitigation (which shall incorporate the identified mitigation measure within Table 19 of the Air Quality Assessment, submitted 12 March 2014 as part of UTT/13/3467/OP) shall be submitted to and approved by the Local Planning Authority, and thereafter implemented in accordance with the approved details.

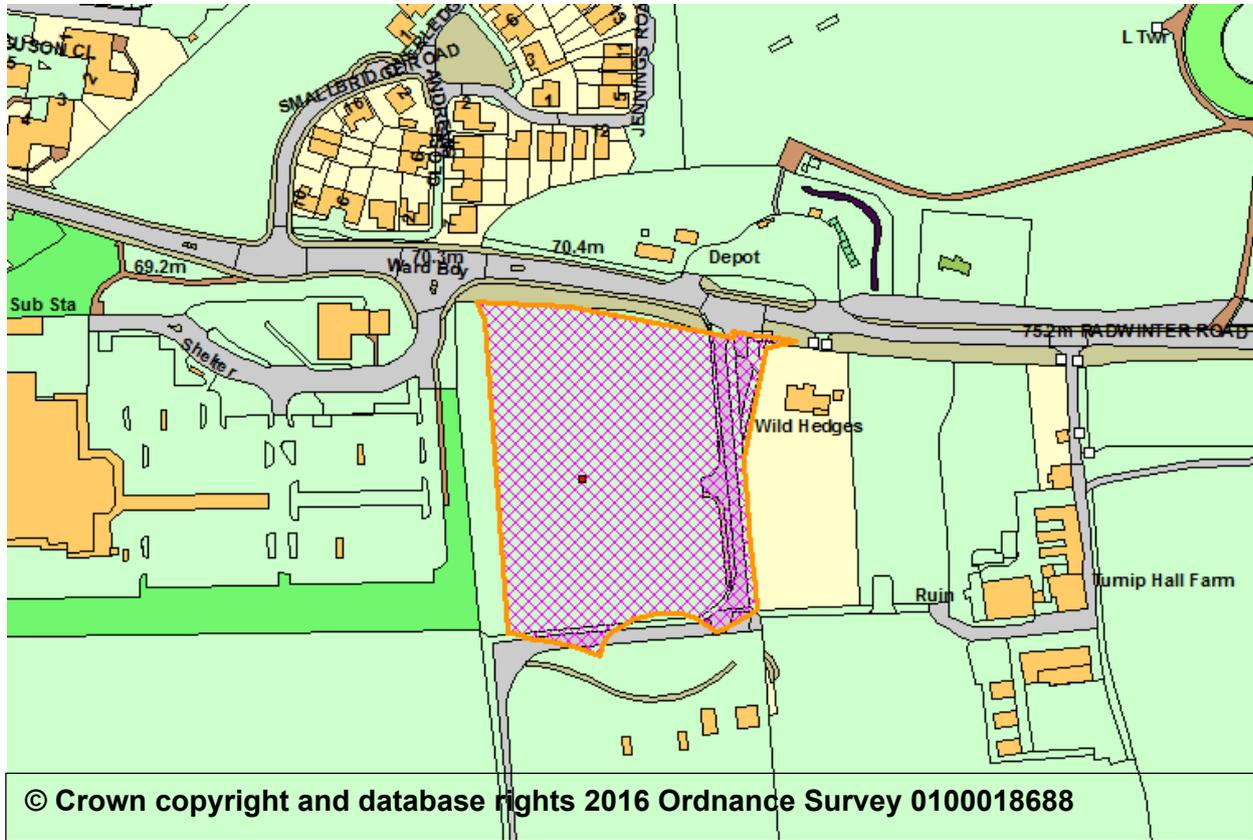
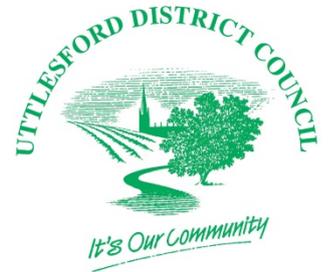
REASON: In the interest of protecting the residential amenity of existing and future residents and the amenity of the locality, in accordance with Policy GEN4 and GEN2 of the Uttlesford Local Plan (adopted 2005).

24. 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.

Application: UTT/17/3426/OP

Address: Land to the East of Shire Hill, Saffron Walden



Organisation: Uttlesford District Council  
Department: Planning  
Date: 27 April 2018

## UTT/17/3429/OP – (SAFFRON WALDEN)

(MAJOR)

**PROPOSAL:** Outline planning application, with all matters reserved except for access, for Business Use (Use Class B1) together with associated infrastructure including roads, drainage, access details from Shire Hill.

**LOCATION:** Land to the East of Shire Hill Saffron Walden

**APPLICANT:** Manor Oak Homes

**AGENT:** Framptons

**EXPIRY DATE:** 5 March 2018 (extension of time)

**CASE OFFICER:** Maria Shoesmith

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### 1. NOTATION

1.1 Outside Development Limits, Airport Safeguard Zone, 500m from pollution control site, Ground Water protection zone, contamination, 500m from pipeline installation

### 2. DESCRIPTION OF SITE

2.1 The application site is roughly a rectangular parcel of land which sits between Tesco's to the east and Shire Hill Industrial Estate located to the west of the site. To the north of the application site lies the residential dwellings which front Horn Book.

2.2 To the south of the site is the construction site of 200 dwellings of which the subject of this application form part of the original outline planning application under reference UTT/13/3467/OP "Outline planning application for either a residential development of up to 230 dwellings; Class B1 Business floorspace, extra care housing within Class C2, provision of public open space or for development of up to 200 dwellings, Class B1 Business floorspace, extra care housing within Class C2, provision of public open space, provision of land for a one form entry primary school; together with associated infrastructure including roads, drainage, access details from Radwinter"

2.3 The ground levels rise from north to south. The site was an arable field but is currently a construction vehicle car park for the adjacent residential development.

2.4 The application site is located east of Saffron Walden and would form part of a larger an urban extension of the town approved under the previous outline consent.

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

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

north of the application is the MoD fuel storage depot.

- 2.7 The application site covers an area of 0.50 hectares, however originally formed part of the larger scheme covering an area of 13.9 hectares.
- 2.8 As part of the application it is proposed that primary access is taken from Radwinter Road and secondary access from Shire Hill.
- 2.9 The application site formed part of Saffron Walden Policy 1 as a draft allocated site within the withdrawn Draft Local Plan.

### **3. PROPOSAL**

- 3.1 The application before us is for the renewal of the expired outline for employment units which was originally approved as part of UTT/13/3467/OP.
- 3.2 The proposed employment units would be for B1 offices which would have a floorspace of 1707.6m<sup>2</sup>. As part of the outline scheme 59 car parking spaces and 5% disabled parking bays (3 spaces) are proposed.
- 3.3 All matters except for access, which is proposed to be taken from Shire Hill industrial estate, are reserved.
- 3.4 The scheme is stated that it could provide approximately 127 full time equivalent jobs.
- 3.5 The scheme is speculative and therefore there are no details of a known end user.

### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 Town and Country Planning (Environmental Assessment):  
The proposal constitutes a 'Schedule 2' development that is one which falls within Schedule 2 of the above Regulations. (Class 10(a) industrial estate development project where the development exceeds 0.5 hectare) thereby the proposed development would be required to be screened. The application has been screened whereby it has been concluded that an EIA is not required.

And

Human Rights Act considerations:

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

### **5. APPLICANT'S CASE**

- 5.1 The following documents have been put together and submitted in support of the application;
- Planning Statement
  - Design and Access Statement
  - Incoming Services Appraisal
  - Ground Investigation Report

- Phase 1 Site Investigation Desk Top Study
- Biodiversity Checklist
- Air Quality Assessment
- Design And Access Statement
- Revised Flood Risk Assessment (Including Suds Checklist)
- Transport Statement
- Framework Workplace Travel Plan
- Arboricultural Impact Assessment
- Executive Summary Of Archaeological Desk-Based Assessment
- Archaeological Trial Trench Evaluation
- Landscape And Visual Impact Assessment Addendum
- Landscape Strategy Plan
- Updated Ecological Survey
- Proposed Site Plan – 41112/005C
- Proposed Site Plan – 41112/002D
- Landscaping Strategy Plan – 6319/ASP3 Revision A
- Employment Site Location Plan - 6319/ASP1
- Employment Site and Setting Plan - 6319/ASP2

5.2 The proposal will deliver the following benefits:

- Much needed business floorspace resulting in efficient use of the site;
- The site is located as part of a site allocation in the Draft Local Plan 'Land South of Radwinter Road, Saffron Walden' and will help meet an identified need for business floorspace;
- Achieving development in a sustainable location, with easy access to pedestrian routes, local facilities and amenities, and close to public transport including train and bus routes, minimising the need to travel by car for future employees;
- Provision of a high standard of design and construction; and
- Use of sustainable construction methods incorporating a renewable energy strategy.

5.3 The proposed Class B1 Use will have the potential to provide up to 127 jobs

5.4 The Council's 'Commercial Workspace Study' (2015) concludes:

- There is a net requirement for 18,990 square metres of office floorspace (4.7 ha) in Uttlesford (paragraph 7.2).
- There is a need for office floorspace in Saffron Walden (paragraph 7.20).
- There is a need for 2500-3000 square metres of new office stock in Saffron Walden (paragraph 7.24).

5.5 The proposed development will address the identified need as set out in the West Essex and East Hertfordshire 'Assessment of Employment Needs' (October 2017). The assessment concludes there is a need for 2.5 hectares of office space requirements in Uttlesford.

5.6 The application site is located to the south of Radwinter Road and lies within an area identified as a site allocation in the Council's Regulation 18 Draft Local Plan (September 2017).

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

5.7 Due to the reduced nature of the development no additional public engagement was held since the original application in 2013.

### **6. RELEVANT SITE HISTORY**

6.1 Below is a list of relevant major development which benefits from extant planning consent within Saffron Walden;

- UTT/13/268/OP - Granite Site - Demolition of the existing buildings and redevelopment to comprise retail warehouse units and associated garden centre (Class A1), a discount foodstore (Class A1), and a cafe (Class A3), including associated landscaping, car park, access, internal roads and cycle/footway, including the provision of access to adjoining land. Granted subject to S106 Agreement 10th May 2013;
- UTT/13/1937/OP - Land Behind The Old Cement Works, Thaxted Road - Outline application for up to 52 dwellings with all matters reserved except access – Granted subject to conditions and S106 September 2013;
- UTT/13/2423/OP - Land North Of Ashdon Road, Ashdon Road, Saffron Walden - Outline application for redevelopment of the site to provide up to 1.25 ha of land to be used as a Builders Merchants and Yard (use Class B8), up to 0.47 ha of land to be used for offices and/or Research Development and/or Light Industrial (Use Class B1 (a), (b) and ( C)), up to 1.16 ha of land for use as Business, general Industrial and Storage and Distribution uses (Use Class B1, B2 and /or B8), a Local Centre of up to 0.86 ha for uses falling within Use Class A1, including a local retail store (with the net A1 retail floor space limited to 279m2), a café/ restaurant/ public house (Use Class A3 and A4), a hotel (Use Class C1), up to 167 dwellings including affordable housing (Use Class C3) to be provided on 4.78 ha of land, together with public open space, landscaping and the provision of supporting infrastructure including replacement substations, and the demolition of existing buildings, with all matters reserved except for access - Granted subject to conditions and S106 26.11.2014
- UTT/13/1981/OP - Site At 119 Radwinter Road, Saffron Walden - 60 unit extra care facility resolved to be granted planning permission 20 November 2013;
- UTT/14/3182/FUL - Site At 119 Radwinter Road, Saffron Walden - Demolition of existing buildings and the erection of part two storey and part three storey building comprising 73 extra care apartments with associated communal facilities, hard and soft landscaping and parking spaces together with single storey sub-station to serve application and adjacent site – Granted 30.06.2016
- UTT/13/3406/FUL - Site At 121 Radwinter Road, Saffron Walden - Detailed proposal for 52 dwellings with access from Radwinter Road including landscaping and associated infrastructure – Resolved to be granted planning permission subject to S106 25.07.2014.
- UTT/12/5226/FUL - Land At Lodge Farm, Radwinter Road, Saffron Walden - Erection of 31 sheltered apartments including communal facilities, access, car parking and landscaping – Granted planning permission 4 January 2013

- UTT/13/3467/OP - Land South Of Radwinter Road, Radwinter Road, Saffron Walden - Outline planning application for either a residential development of up to 230 dwellings; Class B1 Business floorspace, extra care housing within Class C2, provision of public open space or for development of up to 200 dwellings, Class B1 Business floorspace, extra care housing within Class C2, provision of public open space, provision of land for a one form entry primary school; together with associated infrastructure including roads, drainage, access details from Radwinter – Granted planning permission 26.05.2015
- UTT/16/1856/DFO - Land South Of Radwinter Road, Radwinter Road, Saffron Walden - Application for the approval of matters reserved by outline planning permission UTT/13/3467/OP comprising the erection of 200 dwellings of mixed size and tenure, including link road, residential access roads, public open space, surface water attenuation areas and landscaping, and access to and preparation of land for a one form entry primary school. – Approved 13.01.2017
- UTT/16/1444/OP – Land behind the Old Cement Works, Thaxted Road, Saffron Walden - UTT/17/3038/DFO - Details following outline approval UTT/16/1444/OP for 35 no. dwellings comprising 21 market homes and 14 affordable homes. Details of appearance, landscaping, layout and scale – Granted 16.11.2016
- UTT/17/0255/FUL - Land to the West of Lime Avenue, Saffron Walden - Erection of 31 no. Dwellings with associated roads, car parking and landscaping – Granted 4.12.2017
- UTT/16/2210/OP - Outline planning permission for up to 85 residential dwellings (including 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Little Walden Road and associated ancillary works. All matters to be reserved with the exception of the main site access. – Allowed on appeal 23.12.2016

## 6.2 Current applications under consideration;

- UTT/17/2832/OP Land North Of Shire Hill Farm Shire Hill - Outline application (with all matters reserved except access) for up to 100 dwellings, including affordable accommodation, in addition to the provision of land to facilitate an extension to the approved primary school (Planning Application Ref: UTT/13/3467/OP), and associated open space, drainage, landscaping, access and parking.
- UTT/18/0824/OP – Land East Of Thaxted Road Thaxted Road - Outline planning application for the development of up to 150 dwellings (Use Class C3) with all matters reserved except access
- UTT/17/3413/OP – (Ridgeons) Commercial Centre Ashdon Road Saffron Walden - Outline permission with all matters other than access reserved for the erection of up to 55 dwellings, up to 3,650m<sup>2</sup> of B1, B2 and or D2 floorspace in the alternative, (with the maximum GIA of the D2 floorspace not to exceed 940m<sup>2</sup>) and the erection of up to 335m<sup>2</sup> of A1 floor space (with the net retail sales area not to exceed 279m<sup>2</sup> GIA) together with associated open space, landscaping, parking and supporting infrastructure

- UTT/17/3426/OP - Land South Of Radwinter Road Saffron Walden - Outline application, with all matters reserved except for access, for Extra Care Housing (Use Class C2) together with associated infrastructure including road, drainage and access

## 7. POLICIES

### 7.1 National Policies

- National Planning Policy Framework

### 7.2 Uttlesford Local Plan (2005)

- S7 Countryside
- GEN1 Access
- GEN2 Design
- GEN3 Flood Risk
- GEN4 Good Neighbourliness
- GEN5 Light Pollution
- GEN6 Infrastructure Provision to Support Development
- GEN7 Nature Conservation
- GEN8 Vehicle Parking Standards
- ENV4 Ancient Monuments and Sites of Archaeological Importance
- ENV5 Protection of Agricultural Land
- ENV12 Protection of Water Resources
- ENV13 Exposure to Poor Air Quality
- ENV14 Contaminated Land
- ENV15 Renewable Energy
- E4 Farm Diversification: Alternative use of Farmland

## 8. Saffron Walden Town Council

- 8.1 To support the principle of this development noting that the application must be restricted to business use so as to retain the primary purpose of Shire Hill as a business and industrial area.

## 9. CONSULTATIONS

### ECC Ecology

- 9.1 *Letter dated 21 December 2017*

Holding Objection – insufficient information impacts on Protected species (bats)

The original landscape master plan submitted for the outline planning (UTT13/3467/OP) shows the hedgerow around the western boundary of the site as being retained. However in the submitted landscape strategy (UTT/17/3429/OP), this feature is shown as replacement hedgerow and trees.

The Extended Phase 1 Survey (dated 11 Sept 2013 by First Environment Consultants Ltd.), submitted under UTT13/3467/OP, describes this hedge as an intact hedge, species poor, and important for foraging and commuting bats. The Biodiversity Mitigation and Enhancement Plan submitted under UTT/16/1856/DFO by First Environment Consultants Ltd stated (section 2.4.1) that the field boundary

hedgerows are to be retained (although some will need to be bisected for access roads), with the exception of the defunct hedge crossing the site which is to be removed.

The Updated ecological survey work report (Aspect Ecology, October 2017) aims to confirm the up to date position with regard to ecology matters and provide an addendum to the previous ecology report

The boundary vegetation associated with the western and northern boundaries provides some cover and long term vegetation, albeit this is dominated by non-native Lilac. It is understood that the proposals require the removal of the existing boundary vegetation along the northern and western boundaries, however new/replacement boundary vegetation will be provided, which therefore represents the opportunity to fully compensate for the loss of the existing vegetation and provide enhanced ecological corridors around the site in the long term, in combination with wider ecological enhancements as part of the site wide landscaping scheme. Accordingly, it is recommended that new boundary vegetation in particular be composed of native shrub and tree species common to the local area, including those of recognised wildlife value (e.g. fruit bearing species such as Hawthorn, Blackthorn, Hazel, Elder and Rowan).

However as this hedgerow around the site is an ecological corridor in the landscape, additional mitigation will be needed to ensure its functionality is maintained for bats in the short term. This could include the use of hazel hurdles until the hedgerow growth reaches sufficient height to provide an echolocation feature. It will also be important to avoid light spillage from the development onto boundary hedgerows to avoid disturbance to bats during and after construction.

*Letter dated 21 January 2018*

No objection subject to conditions to secure ecological mitigation and enhancement measures

The original landscape master plan submitted for the outline planning (UTT13/3467/OP) shows the hedgerow around the western boundary of the site as being retained. However in the submitted landscape strategy (UTT/17/3429/OP), this feature is shown as replacement hedgerow and trees.

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Accordingly, it is recommended that new boundary vegetation in particular be composed of native shrub and tree species common to the local area, including those of recognised wildlife value (e.g. fruit-bearing species such as Hawthorn, Blackthorn, Hazel, Elder and Rowan).

As the hedgerow around the site is an ecological corridor for bats, it is necessary to ensure its functionality is maintained for bats in the short term. The submitted landscape strategy plan - Drawing no. 6319.ASP3.Employment (Aspect, Oct 2017) - indicates the use of heavy standard trees being planted along the native hedgerow which will be sufficient height to provide an echolocation feature for bats. It will also be important to avoid light spillage from the development onto boundary hedgerows and trees to avoid disturbance to bats during and after construction.

### **Recommendations**

The mitigation measures identified in the ecological reports – Ecological Appraisal (Sept 2013) and Updated Ecology Survey Report (Aspect Ecology, Oct 2017) - should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species particularly bats, reptiles and breeding birds. The recommended enhancements for biodiversity are considered reasonable.

Impacts will be minimised such that the proposal is acceptable subject to the above conditions based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

Submission for approval and implementation of the details below should be conditions of any planning consent.

### **Aerodrome Safeguarding**

- 9.2 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.

### **Environment Agency**

- 9.3 This site location is adjacent to a Lower Tier CoMAH Establishment which stores, and transfers, aviation fuel. While we have no objections from a Competent Authority regulatory perspective on the environmental aspect, the views from the Health & Safety Executive should be sought if they have not already been consulted.

### **Line Search**

- 9.4 UK Power Networks have apparatus in the vicinity

### **UK Power Networks**

- 9.5 Thank you for contacting us regarding UK Power Networks equipment at the above

site. I have enclosed a copy of our records which show the electrical lines and/or electrical plant. I hope you find the information useful. I have also enclosed a fact sheet which contains important information regarding the use of our plans and working around our equipment. Safety around our equipment is our number one priority so please ensure you have completed all workplace risk assessments before you begin any works.

Should your excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact us to obtain a copy of the primary route drawings and associated cross sections.

### **ECC Archaeology**

- 9.6 The Historic Environment Record shows that the proposed development area has previously been archaeologically evaluated with very limited deposits identified (EHER 48792). The archaeological evaluation report forms part of the planning application. It is unlikely that the development will impact on significant archaeological deposits. Therefore, no archaeological recommendations are being made on this application.

### **Environmental Health**

- 9.7 *Letter dated 22/12/17*

No objection subject to conditions

#### Noise Impact

Plant noise from the business area has potential to cause annoyance to nearby residential properties. This can be controlled by conditions at the detailed design stage.

#### Contaminated land

The phase 1 site investigation has identified low risks of contamination resulting from pesticide use on site, possible made ground, and migration from adjacent sites and the report recommends further intrusive investigation. A condition is recommended.

#### Air Quality

There is a risk of dust emissions affecting nearby receptors during the construction phase. A condition is recommended to require submission and approval of measures to control this. The dust management measures proposed in Table 20 of the submitted Air Quality Assessment would be acceptable.

The Air Quality Assessment has modelled the impact of additional traffic emissions during the operational phase of the development at 50 receptors around the site and in central Saffron Walden, including within the AQMA and on the Linden Homes site. I note that Figure 6 in the AQA which plots the receptor locations shows the development site in the wrong location, to the east of the Tesco store. However this should not significantly affect modelling of traffic flows on the surrounding road network.

Table 21 of the AQA showing the changes in nitrogen dioxide levels with and without the development is misaligned. The changes shown in column 5 relate to the receptor in the line above. The applicant should be asked to provide a corrected version. The classification according to the UDC draft technical guidance is also

incorrect in many instances: any change greater than 0.4 µg/m<sup>3</sup> should be classified as a “small” increase. The changes are presented correctly in Table 22, but column 3 shows the actual predicted changes, not the percentage change relative to the objective as indicated.

The modelling indicates that the development would result in small increases (0.4-2.0 µg/m<sup>3</sup>) in nitrogen dioxide levels at 28 of the 50 receptors, and imperceptible increases at the remaining receptors. According to EPUK criteria, the impact of these increases is predicted to be negligible in most cases, slight at 7 receptor locations and moderate at the Thaxted Road/Radwinter Road junction (where there is already an exceedance of the nitrogen dioxide standard).

Although the predicted impacts are generally small, the development will nevertheless add to local air pollution in and near the existing AQMA. Uttlesford Policy EN 2 states that “development within or affecting an Air Quality Management Area (AQMA) ...will be expected to contribute to a reduction in levels of air pollutants within the AQMA’s.”

Mitigation against these impacts is therefore required. The submitted Framework Workplace Travel Plan proposes the provision of information about bus routes, encouraging car sharing, provision of showers and cycle parking, to encourage alternatives to single occupancy car journeys. These proposals are welcome and may be secured by condition. In addition a condition requiring provision of rapid charging points is requested to encourage use of low-emission vehicles.

*Letter dated 2/1/18*

Further information required

#### Air Quality

Further to my earlier comments, I have now found that the data used and results obtained in the Air Quality Assessment REC AQ104201R1 submitted in support of this application are the same as in the assessment submitted for application UTT/17/3426 for an extra care home on another part of the site. It is unclear what relationship (if any) the data have to the actual traffic that may be generated by these two different parts of the development. The trip rates predicted in the transport assessment for the care home are considerably lower than those in the corresponding document for the business use.

The applicant should be asked to provide a correct version of Table 21 and to clarify whether the traffic data used and the results obtained apply to the Business Use or the Care Home.

## 9.8 **ECC SUDs**

*Letter dated 2 January 2018*

### Inadequate Surface Water Drainage Strategy

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

Provide a suitable run-off rate

Run-off should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with the inclusion of long term storage. We would expect to see a minimum rate of 1l/s and if this cannot be achieved, relevant evidence should be provided. Storage provision should be updated to reflect any change in run-off rate.

Demonstrate that there is a suitable outfall

Permission in principle should be gained from Anglian water to discharge in to their surface water drainage network. This is to show that there is a feasible outfall from the site.

Provide suitable treatment for all areas of the site.

It should be demonstrated that all areas of the site, including roads, car parking and roofs are going through the correct level of treatment in line with Chapter 26 of the CIRIA SuDS Manual C753.

*Letter dated 6 February 2018*

Having reviewed the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions.

### **ECC Education**

- 9.9 Contribution towards early year's childcare required.

### **ECC Highways**

- 9.10 *Letter dated 04.04.2018:*

This application was first submitted and approved as part of planning application UTT/13/3467/OP; the traffic generation was taken into account in that application and has not changed in this application. The conditions required as part of UTT/13/3467/OP are assumed to be passed on to the residential element of UTT/13/3467/OP for discharge.

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

### **Landscape Officer**

- 9.11 Comments from previous application UTT/13/3467/OP;  
The site comprises principally of open arable fields and pasture enclosed by broad field hedges situated on the south slope of the valley containing the Radwinter Road. The site risings up to an elevation 20m above the Radwinter Road.

The proposed development would be visible in distant views taken from the Harcamlow Way running along the valley ridge to the north, and from points along the public footpath (No22) to the east of the site. The site can also be glimpsed in views from points on the Ashdon Road. Whilst these views of the site are distant, they do afford and strengthen an appreciation of the setting of the town within the surrounding open countryside. New planting as part of the landscaping treatment

would mitigate the impact of the development to some extent although this would not overcome the loss of open countryside.

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

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

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

Some 24 no. trees have been identified as been required to be removed in order to implement the development but these subjects are of moderate or low quality. There are no high quality trees on the site proposed to be removed as part of the development. New tree planting as part of a comprehensive scheme of landscaping would help soften the proposed development and define the character of the proposed development.

The introduction of house lights and street lighting would affect the night time character of the site. The effect of external lighting on the wider open countryside could be ameliorated by dark sky lighting design being applied to limit light spillage.

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

## **10. REPRESENTATIONS**

10.1 The application has been advertised on site and within the local press. Neighbouring residential occupiers have also been consulted of the application. As a result 4 letters were received raising the following points;

- Blocking views
- Loss of sunlight from three storeys
- Loss of privacy
- Good high evergreen landscaping should be provided;
- Increase in pollution and car parking near house;
- Noise
- No more housing on the east side of SW
- Traffic
- Pollution
- No infrastructure
- Lack of water
- Wheel washing condition to ensure no mud on roads
- Permanent use of Shire Hill Road

## 11. APPRAISAL

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

- A Principle;**
- B Design & Amenity;**
- C Highways;**
- D Landscaping and Ecology;**
- E Drainage**
- F Archaeology**
- G Infrastructure**
- H Other issues;**

### **A Whether the principle is acceptable;**

- 11.1 The application site is located outside the development limits of Saffron Walden and is therefore located within the Countryside where ULP Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence, the proposal is contrary to Policy S7 of the 2005 Local Plan.
- 11.2 A review of the Council's adopted policies and their compatibility with the NPPF has been carried out on behalf of the Council by Ann Skippers Planning. Policy S7 is found to be partly consistent with the NPPF. The protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development, but the NPPF takes a positive approach, rather than a protective one, to appropriate development in rural areas. The policy strictly controls new building whereas the NPPF supports well designed new buildings to support sustainable growth and expansion of all types of business and enterprise in rural areas. As such this reduces the weight given to the restraint implied by Policy S7 and this must be weighed against the other sustainability principles.
- 11.3 Paragraphs 7 and 14 of the NPPF set out that there is a presumption in favour of sustainable development. The core principles of the NPPF set out the three strands of sustainable development. These are the economic role, social role and environmental role. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously.
- 11.4 The proposal will involve the loss of best and most versatile agricultural land. This is defined both by the Local Plan and the NPPF so as to include land in Agricultural Land Classification (ALC) Grade 2. Local Plan Policy ENV5 does not seek to prevent the loss of Best and Most Versatile land (BMV) agricultural land if there is no lower value land available.
- 11.5 Although the floorspace of the proposed employment is slightly smaller than previously approved, by 92m<sup>2</sup>, the principle of the proposed development has been previously approved under planning permission UTT/13/3467/OP. The loss of

agricultural land was considered at the time, as was the location of the development. The site was determined to be sustainable and the principle of the generation of additional employment was considered acceptable. As result the principle of the proposed development accords with Local Plan Policies S7, E4, and ENV5, and in accordance with the NPPF.

## **B Design & Amenity**

- 11.6 With regards to the proposed design of the scheme the NPPF and Local Plan Policy GEN2 seeks for quality design, ensuring that development is compatible in scale, form, layout, appearance and materials. The policies aim to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole seeking high quality design.
- 11.7 As to whether the scheme would be compatible with the character of the adjacent settlement area and the wider countryside, the scheme would see development on the urban fringe of the Saffron Walden, outside Development Limits. This would be built adjacent to existing built form and the new 200 dwellings which are being implemented.
- 11.8 Whilst the design of the proposed development is a reserved matter illustrative plans have been submitted as part of the application to demonstrate how the scheme can be implemented.
- 11.9 The Design and Access Statement (DAS) for the previous application confirmed (page 52) that the proposed height for the business use would be 2 to 2 ½ storeys. The DAS also stated that the amount of office floorspace would be approximately 1800 square metres. Therefore the current proposals are within the previous parameters set out in the previous outline planning permission on the site.
- 11.10 The indicative plans demonstrate that there would be landscaping and parking spaces around the perimeter of the scheme which could facilitate in providing a buffer and relief to the shared boundaries. Together with this and the relationship with the existing residents there would be no amenity issues of outlook, overlooking or overshadowing.
- 11.11 Through the incorporation of design techniques and principles the proposal will be able to discourage and minimise the risk of crime and anti-social behaviour through natural and informal surveillance. This is in accordance with Local Plan Policy GEN2 and the NPPF.

## **C Highways**

- 11.12 Local plan policy GEN1 states “development will only be permitted if it meets all of the following criteria;
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
  - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
  - c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
  - d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expects to have access.

- e) The development encourages movement by means other than driving a car.”
- 11.13 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework.
- 11.14 A Transport Assessment has been submitted as part of the application.
- 11.15 The site is considered to be sited within a sustainable location being located;
- Adjacent to Tesco and bus stops;
  - Within 6 minute walk to the hospital facilities including dentist at Saffron Walden Community Hospital;
  - Within a 12 minute walk to Lord Butler Leisure Centre;
  - Within 12 minute walk to the following schools St Mary’s Primary School, The R A Butler primary school and St Thomas More;
  - Within 12 minute walk to the town centre;
  - Railway station Audley End approximately 5.9km
- 11.16 The proposed development will be well served and accessible to more sustainable modes of transport. There is a regular bus service which operates within close proximity of the application site. The nearest existing bus stops to the proposal are located at the bus interchange within Tesco off Radwinter Road and Elizabeth Way approximately 100metres. The application site will be served by the wider scheme whereby a bus route has been secured/ capable of going through the site, also a dedicated 3m wide shared cycleway / footway will be provided for users. In consideration of the above the subject site is considered to be located within a sustainable location in accordance with Local Plan Policy GEN1 and in accordance with the golden thread of the NPPF.
- 11.17 The number of vehicle movements does not differ from the original outline application which was granted, if anything it will be slightly smaller, and therefore no objections have been raised by ECC Highways as a result. A Framework Travel Plan has been produced for the development. This Travel Plan, which will be secured under a S106 agreement, will target a reduction in single occupancy vehicle trips. It is considered that the number of vehicle trips generated by the offices will not have a significant adverse impact on the surrounding highway infrastructure.
- 11.18 Whilst access has been specified to be from Shire Hill as the development would form an extension to the industrial estate, the site would be located off the internal spine road for the wider residential development which would also lead to the wider sites second access point on Radwinter Road.
- 11.19 The proposed scheme would provide 59 car parking spaces and 5% disabled parking bays (3 spaces). The Essex Parking Standards seeks the provision of 1 space per 30sqm which equates to 57 spaces based on the proposed floorspace. Whilst 2 additional parking spaces is indicated above the maximum requirement this is generally considered to be acceptable. However, it should be noted that this is a reserved matter for further consideration at a later date. The scheme is therefore capable of according with Local Plan Policy GEN8, Essex Parking Standards (2009).
- 11.20 In considering the above, the proposed development is acceptable in terms of highways and it is also therefore in accordance with Policies GEN1, GEN2, and

GEN8 of the adopted Local Plan (2005). As a result of the above no objections have been raised by ECC Highways.

- 11.21 In terms of air quality, an Air Quality Assessment has been submitted as part of the application. The accompanying Air Quality Assessment indicates that the impacts of nitrogen dioxide concentrations during the operational phase of development are predicted to be negligible.
- 11.22 The impact of dust generated by earthworks, construction and trackout activities are also predicted to be negligible and can be mitigated through conditions should planning permission be granted. As highlighted in paragraph 9.7 some increase in air pollution levels has been stated, however with mitigation in terms of travel plans no objection has been raised by Environmental Health subject to conditions.
- 11.23 It should be emphasised that the principle of the development has been previously approved and there will be no increase in the number of vehicle movements to those which have been approved as part of the previous outline application. Therefore the proposed development considered to be acceptable and in accordance with policy subject to conditions.

#### **D Landscaping and Ecology**

- 11.24 An indicative landscaping strategy plan has been submitted as part of the application. A Landscape & Visual Impact Assessment Addendum was also submitted as part of the application. It has been highlighted within the report that key features have been retained within the landscaping strategy. The plan indicates that the boundaries would be retained, improved and reinforced. It is indicated with the submission however that the removal of a low quality un-maintained hedge sited to the north and western boundaries in order to allow the accommodation of the illustrative proposed scheme. Whilst there are some concerns regarding the loss of a large amount of hedging and the exposure of the site in terms of amenity impact, again, it should be noted that landscaping is a reserved matter and it is not for consideration at this time.
- 11.25 The proposed development would sit on the lowest ground level area amongst the larger, wider site and will be flanked by development. Due to this the visual impact of the proposed development would be limited, and assimilated within the wider development due to the proposed landscaping. It should be noted however that landscaping is a reserved matter which is to be considered at a later date should planning permission be granted.
- 11.26 The application proposals will form a much smaller element in this locality and as a result the views affected would be negligible.
- 11.27 No objection was largely raised by the Landscape Officer as part of the consultation of the wider scheme subject to the implementation of a comprehensive scheme of structural landscaping which could significantly reduce the visual impact of the development. The scheme is therefore considered to accord with Local Plan Policy GEN2, GEN7, ENV3, and ENV8 of the Uttlesford Local Plan (adopted 2005).
- 11.28 With regards to ecology an updated survey work was completed in the summer and autumn of 2017. This concluded "In terms of faunal species, in general the site offers very few opportunities for any protected, rare or notable species, albeit recommendations are made above in regard to common reptile species and common nesting birds, subject to which there is no reason to suggest the proposals

would result in any adverse effects on protected, rare or notable faunal species.” Concerns were raised by EC Ecology regarding the loss of northern and western hedge in terms of impact upon Bats. Further information has been submitted as a result in terms of mitigation and ECC Ecology has now removed their objection subject to conditions. Therefore, the proposed development is in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

## **E Drainage**

- 11.29 Due to the scale of the proposed development a Flood Risk Assessment has been submitted as part of the application. The Flood Risk Assessment has looked at both scheme options and the vulnerability of the various uses has been taken into account. The site falls within Flood Risk Zone 1 whereby there is low probability of flooding as a result of watercourses or the sea, less than 1 in 1000 annual probability. Due to the nature of the ground there is a low probability of flooding from ground water. As a result of the site’s classification no sequential or exception test will be required. Also, no flood compensation measures will be required either.
- 11.30 Nonetheless as the scheme had formed part of wider development a Flood Risk Assessment was undertaken and revisited as part of this application.
- 11.31 It is stated within the FRA whilst infiltration test will be carried out whilst designing the scheme it is considered that due to the chalky nature of the geology infiltration techniques will not be viable., there are no watercourse nearby and therefore the dispose of foul water would need to be to the nearest sewer located adjacent to the northern boundary.
- 11.32 The FRA goes onto state that “Surface water discharge rates will be restricted to minimum viable rates to ensure that the rate of surface water runoff from the site does not increase as a result of the proposed development. Surface water attenuation will be provided within geocellular attenuation. Foul water will discharge to Anglian Water’s sewer network located to the north of the development site. The surface water drainage from this site, post development, is such that the surface water will be managed and disposed of within the site boundary, thus complying with the Planning Practice Guidance for ‘Flood Risk and Climate Change’ to the National Planning Policy Framework. Based on the above, providing the above strategies are adopted the developed site will not contribute further to flood risk thus satisfying the principles of the National Planning Policy Framework.” It is also stated that the car parking areas would comprise of permeable paving.
- 11.33 ECC SUDs have been consulted of the application and the submitted FRA. As a result of further information being submitted ECC SUDs raise no objections subject to conditions. The development is therefore considered to be in accordance with Policy GEN3 of the adopted Local Plan and the NPPF.

## **F Archaeology**

- 11.34 An Archaeological Desk-based Assessment and an Archaeological Trial Trenching Assessment has been submitted in support of the application.
- 11.35 The assessment stated that the desk-based assessment has identified moderate and low potential for remains (Heritage Assets) of all periods, except for Anglo-Saxon to post-medieval agricultural features where potential is high. Any remains within the site are threatened by the proposed development, but any remains are likely to be plough-damaged.

11.36 ECC Archaeology have been consulted of the application and have stated that “The Historic Environment Record shows that the proposed development area has previously been archaeologically evaluated with very limited deposits identified (EHER 48792). The archaeological evaluation report forms part of the planning application. It is unlikely that the development will impact on significant archaeological deposits. Therefore, no archaeological recommendations are being made on this application.”

11.37 This is therefore considered to be in accordance with adopted Local Plan Policy ENV4 and the NPPF.

**Other issues;**

11.38 In terms of contamination, a desk top survey has been undertaken and is submitted as part of the application. Environmental Health have been consulted of the application as well as the Environment Agency.

11.39 With regards to the prevention of the watercourse contamination, the development site falls within Groundwater Source Protection Zones and overlies a Principal Aquifer the EA have previously suggested conditions relating to details of surface water drainage and details of pollution control measures to be submitted for approval. This is in accordance with Local Plan Policy ENV12

11.40 The phase 1 site investigation has identified low risks of contamination resulting from pesticide use on site, possible made ground, and migration from adjacent sites and the report recommends further intrusive investigation. A condition is recommended. Therefore considered to be in accordance with Local Plan Policies ENV14 and ENV12.

11.41 In terms of education ECC have sought a contribution towards early year’s facility. Whilst it has been secured previously under the existing S106 Agreement for UTT/13/3467/OP, this is not a reasonable requirement to be sought from an employment use. This does not comply with regards to the CIL Regulation 122 tests;

- necessary to make the development acceptable in planning terms
- directly related to the development
- fairly and reasonably related in scale and kind to the development

11.42 It is also considered that it would result in double counting as such requests are sought from residential developments. A contribution is already sought from the residential element of the original outline application.

11.43 Stansted Airport has no safeguarding objections to the proposal.

11.44 The wider site which forms part of previously outline consent is located within close proximity to the oil pipelines (located to the northeast) which extends from the AMCO storage facility. The subject of this application lies however outside of the consultation zone. The HSE remain the main statutory consultee and no risks have been raised by them as part of the original application. This in accordance with Local Plan Policy GEN2 therefore the application is acceptable in this respect.

11.45 There are utility apparatus in the vicinity of the development which the developer needs to be mindful of and to consult the relevant utility companies prior to the

commencement of development should planning permission be granted.

## **12. CONCLUSION**

- 12.1 Although the floorspace of the proposed employment is slightly smaller than previously approved, by 92m<sup>2</sup>, the principle of the proposed development has been previously approved under planning permission UTT/13/3467/OP. The loss of agricultural land was considered at the time, as was the location of the development. The site was determined to be sustainable and the principle of the generation of additional employment was considered acceptable. As result the principle of the proposed development accords with Local Plan Policies S7, E4, and ENV5, and in accordance with the NPPF.
- 12.2 The design of the proposed development is a reserved matter, however the current proposals are within the previous parameters set out in the previous outline planning permission on the site.
- 12.3 The indicative plans demonstrate that there would be landscaping and parking spaces around the perimeter of the scheme which could facilitate in providing a buffer and relief to the shared boundaries. Together with this and the relationship with the existing residents there would be no amenity issues of outlook, overlooking or overshadowing. The scheme accords with Policy GEN2 of the Local Plan.
- 12.4 The proposed development will be well served and accessible to more sustainable modes of transport. In consideration of the above the subject site is considered to be located within a sustainable location in accordance with Local Plan Policy GEN1 and in accordance with the golden thread of the NPPF.
- 12.5 The number of vehicle movements does not differ from the original outline application which was granted, if anything it will be slightly smaller, and therefore no objections have been raised by ECC Highways as a result. A Framework Travel Plan has been produced for the development. This Travel Plan, which will be secured under a S106 agreement, will target a reduction in single occupancy vehicle trips. It is considered that the number of vehicle trips generated by the offices will not have a significant adverse impact on the surrounding highway infrastructure.
- 12.6 Whilst access has been specified to be from Shire Hill as the development would form an extension to the industrial estate, the site would be located off the internal spine road for the wider residential development which would also lead to the wider sites second access point on Radwinter Road.
- 12.7 Adequate parking provision is capable of being provided on site in accordance with adopted parking standards, Local Plan Policy GEN8
- 12.8 In terms of air quality, an Air Quality Assessment has been submitted as part of the application. The accompanying Air Quality Assessment indicates that the impacts of nitrogen dioxide concentrations during the operational phase of development are predicted to be negligible.
- 12.9 The impact of dust generated by earthworks, construction and tracked out activities are also predicted to be negligible and can be mitigated through conditions should planning permission be granted. No objection has been raised by Environmental Health subject to conditions.

- 12.10 In terms of landscaping this is a reserved matter. However, the application proposals will form a much smaller element in this locality and as a result the views affected would be negligible.
- 12.11 No objection was largely raised by the Landscape Officer as part of the consultation of the wider scheme subject to the implementation of a comprehensive scheme of structural landscaping which could significantly reduce the visual impact of the development. The scheme is therefore considered to accord with Local Plan Policy GEN2, GEN7, ENV3, and ENV8 of the Uttlesford Local Plan (adopted 2005).
- 12.12 Further information has been submitted as a result in terms of mitigation and ECC Ecology has now removed their objection subject to conditions. Therefore, the proposed development is in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).
- 12.13 A number of Flood Risk Assessments have been undertaken as part of the proposed development. ECC SUDs have been consulted of the application and the submitted FRA. As a result of further information being submitted ECC SUDs raise no objections subject to conditions. The development is therefore considered to be in accordance with Policy GEN3 of the adopted Local Plan and the NPPF.
- 12.14 An Archaeological Desk-based Assessment and an Archaeological Trial Trenching Assessment has been submitted in support of the application. No objections or recommendations have been made by ECC Archaeologists. This is therefore considered to be in accordance with adopted Local Plan Policy ENV4 and the NPPF.
- 12.15 In terms of contamination, the phase 1 site investigation has identified low risks of contamination resulting from pesticide use on site, possible made ground, and migration from adjacent sites and the report recommends further intrusive investigation. A condition is recommended. Therefore considered to be in accordance with Local Plan Policies ENV14 and ENV12.
- 12.16 No objections or concerns are raised regarding safeguarding, the proximity to the oil pipelines, or utility apparatus in the vicinity.
- 12.17 The request for a contribution towards education has been discussed above in paragraph 11.41-11.42 and as a result it has been concluded to be unreasonable.

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

**(I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 29 June 2018 the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Director: Legal & Governance, in which case he shall be authorised to conclude such an obligation to secure the following:**

- (i) Submission of travel plan**
- (ii) Payment of monies relating to travel plan monitoring**
- (iii) Pay Councils reasonable costs**
- (iv) Pay monitoring costs**
- (v) Transfer of Section 106 relating to UTT/13/3467/OP covering the**

following;

- (i) Education contribution and securing provision of 1.2ha of land for the provision of primary school.
  - (ii) Provision of open space within the development and transfer to Town Council or Management Company.
  - (iii) Financial contribution towards NHS Healthcare Facilities.
  - (iv) Carrying out of any highway works required.
  - (iv) Financial contribution towards highway works
  - (v) A financial contribution towards an extension to the existing bus service serving the residential part of the development site and the installation of bus stops/shelters and layby.
  - (vi) Contribution of £112,700 towards the implementation/construction of the Wenden Road cycle path link scheme or 23% of the total cost, whichever is the lower.
  - (vii) Contribution to District Council to provide and enhance sport and recreation facilities on the land south of Thaxted Road to include improved facilities for the existing skate park, rugby pitches, running track, a pavilion/associated building or buildings and car parking.
  - (ix) Contribution towards the maintenance of open space for 20 years if the land is to be maintained by Town or District Council.
  - (x) Provision of 40% affordable housing.
  - (xi) Payment of monitoring fee.
  - (xii) Pay Councils reasonable costs.
  - (xiii) Travel Plan and monitoring fee
- (II) In the event of such an obligation being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below:
- (III) If the freehold owner shall fail to enter into such an obligation, the Assistant Director Planning shall be authorised to refuse permission in his discretion at any time thereafter for the following reason:
- (i) No submission of travel plan
  - (ii) No payment of monies relating to travel plan monitoring

Also, to include those outlined in the S106 to UTT/13/3467/OP covering the following;

- (i) Lack of Education contribution and securing provision of 1.2ha of land for the provision of primary school
- (ii) Lack of provision of open space and Transfer of open space
- (iii) No financial contribution towards NHS Healthcare Facilities
- (iv) Failure to carrying out of highway works required by the Essex Highways Assessment
- (iv) Lack of financial contribution towards highway works and public transport
- (v) Lack of a financial contribution towards the implementation/construction of the Wenden Road cycle path link scheme
- (vi) Lack of contribution to District Council to provide and enhance sport and recreation facilities
- (vii) Lack of contribution towards the maintenance of open space for 20 years

- (ix) **No provision of 40% affordable housing**  
(x) **No Travel Plan and monitoring fee**

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

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

2. (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.  
(B) The development hereby permitted shall be begun later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

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

3. Prior to 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).

4. The approved landscaping details shall be implemented in the first planting and seeding season following the first occupation of this phase of 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.

REASON: To ensure that the long-term health and species rich nature of the existing landscape features within and adjoining the site are consolidated and maintained free of invasive or alien species in accordance with the policy for nature conservation in the Local Plan, Policy GEN2, ENV3 and GEN7 of the Uttlesford Local Plan (adopted 2005).

5. 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:

- Infiltration testing and groundwater testing in line with BRE 365. If infiltration is

found unfeasible, discharge rates should be limited to 1l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. It should be clearly demonstrated that the discharge hierarchy has been followed including providing evidence that there are no ditches to discharge to.

- 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 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
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

In accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

6. 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.

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.

In accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

7. 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.

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.

In accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

8. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk. In accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

9. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in all the ecological reports - Ecological Appraisal (Sept 2013) and Updated Ecology Survey Report (Aspect Ecology, Oct 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

REASON: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species). In accordance with the policy for nature conservation in the Local Plan, Policy GEN2, ENV3 and GEN7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

10. Prior to installation, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

11. Parking, storage facilities and wheel cleaning facilities shall be provided on site from commencement and throughout the period of construction.

REASON: To ensure that onstreet parking of these vehicles in the adjoining streets does not occur and to ensure that there is a facility to allow provision for wheel cleaning on site so that there that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011 and Local Plan Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

12. Prior to occupation of the development, the access as shown in principle in drawing 9317M-TA20, with the associated clear to ground visibility splays, shall be provided and retained thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Local Plan Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

13. 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 and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Local Plan Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

14. The Cycle / Powered Two wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle / powered two wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Local Plan Policy GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

15. The number of parking spaces shall be in accordance with those standards set down within Essex County Council's Parking Standards Design and Good Practice, September 2009 and Uttlesford Local Residential Parking Standards February 2013.

REASON: To ensure that appropriate parking is provided in the interests of highway safety and efficiency in accordance with policy DM8 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Local Plan Policy GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

16. Electric vehicle charging points will be installed at the rate of 1 point per 10 spaces for unallocated parking, these shall be provided, fully wired and connected, ready to use before first occupation of the site and retained thereafter.

REASON: In the light of the additional parking being provided this will facilitate sustainable modes of transport in a development that will contribute to impact upon an Air Quality Management Area and in accordance with the National Planning Policy Framework (para35) that 'Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles'. This is in accordance with Policies GEN1 and ENV13 of the Uttlesford Local Plan (adopted 2005).

17. In the event that contamination is found at any time when carrying out the approved development, it must be reported immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An investigation and risk assessment to assess the nature and extent of the contamination must be completed and submitted to and approved in writing by the Local Planning Authority. If identified as being necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health and other relevant receptors must be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s). Remediation of the site shall be carried out in accordance with the approved scheme. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, GEN4, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005) and in accordance with the NPPF..

18. No development, including ground works, shall take place until a Construction Method Statement including measures to control the emission of dust and dirt during construction has been submitted to, and approved in writing by the local planning authority. The approved Statement shall thereafter be adhered to throughout the construction period.

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

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

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

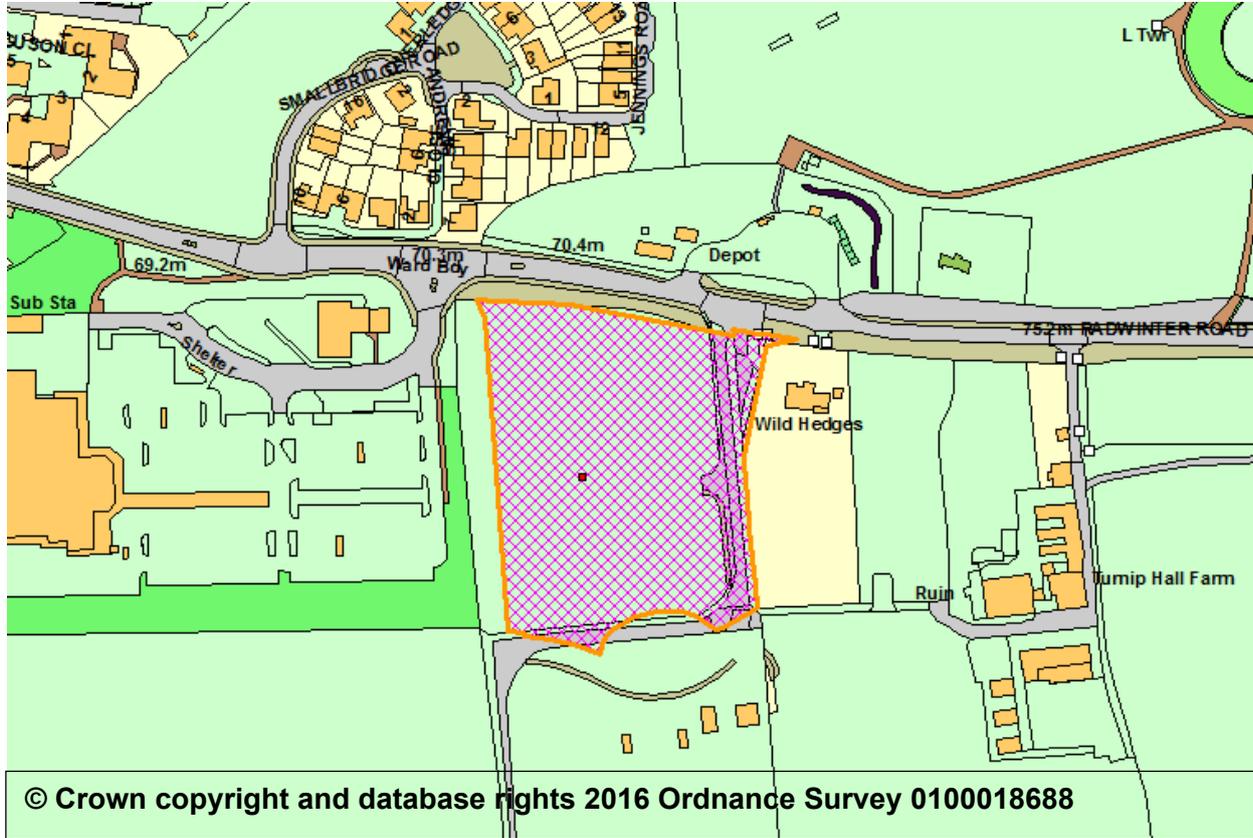
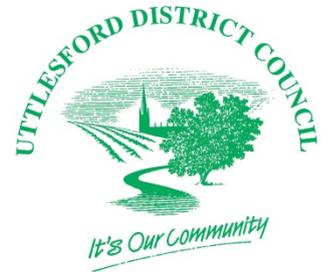
20. Before the commencement of development details of a plant/machinery, noise (which would incorporate the expose of noise from Radwinter Road upon the residential properties) and dust mitigation (which shall incorporate the identified

mitigation measure within Table 19 of the Air Quality Assessment, submitted 12 March 2014 as part of UTT/13/3467/OP) shall be submitted to and approved by the Local Planning Authority, and thereafter implemented in accordance with the approved details.

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

Application: UTT/17/3429/OP

Address: Land to the East of Shire Hill, Saffron Walden



Organisation: Uttlesford District Council

Department: Planning

Date: 27 April 2018

## UTT/17/3571/FUL – (THAXTED)

(Reason: More than five dwellings)

**PROPOSAL:** Proposed residential development and associated infrastructure to erect 9 no. dwellings

**LOCATION:** Land east of Claypit Villas, Bardfield Road, Thaxted

**APPLICANT:** Mr O Hookway

**AGENT:** Mr N Tedder, Go Planning

**EXPIRY DATE:** 8 May 2018

**CASE OFFICER:** Peter McEvoy

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### **1. NOTATION:**

- 1.1 The following planning constraints apply to the application site:
- within Thaxted's development limits and the open countryside.
  - general aerodrome direction.

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

- 2.1 The application site lies on the eastern most edge of Thaxted and it is an open field on the southern side of the residential ribbon development along Bardfield Road. Dwellings in the vicinity are characterised by a variety of house styles and design, with no one type predominating. The applicant states that the area of the site is 3 500m<sup>2</sup> with a frontage of approximately 78m and a depth of around 45m (these measurements are approximate). The residential development lies to the west and north of the site with open fields elsewhere. The Environment Agency's records show that the site lies in flood risk zone 1, the lowest classification for flood risk.

### **3. PROPOSAL:**

- 3.1 The applicant is requesting full planning permission to build nine dwellings. One would be detached whilst the remaining eight would be two discrete sets of four dwellings arranged as two groups of semi-detached dwellings connected by first floor link with undercroft parking. All dimensions can be scaled from the submitted plans. Full design details are discussed in the appraisal.

### **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.

### **5. APPLICANT'S CASE:**

- 5.1 The applicant has included a biodiversity questionnaire and ecological survey, a design and access statement, and a sustainability appraisal as part of the submission.

## **6. RELEVANT SITE HISTORY:**

- 6.1 The Council's records show that there was an unsuccessful application in 1964 for residential development on the site (reference: DUN/0468/64), but the proposal obviously predates the National Planning Policy Framework (NPPF) and the Uttlesford Local Plan.

## **7. POLICIES:**

### **7.1 National Polices:**

- National Planning Policy Framework (2012)

### **7.2 Supplementary Planning Documents/Guidance:**

- SPD Parking Standards Design & Good Practice September 2009.
- SPD Essex Design Guide.

### **7.3 Local Plan Policies (2005):**

- Policy S3 – Other Development Limits.
- Policy S7 – The Countryside.
- Policy GEN1 – Access.
- Policy GEN2 – Design.
- Policy GEN7 – Nature Conservation.
- Policy GEN8 – Vehicle Parking Standards.
- Policy H9 – Affordable Housing.
- Policy H10 – Housing Mix.

### **7.4 Other Material Considerations:**

- Thaxted Design Guide.

### **7.5 Thaxted Neighbourhood Plan:**

The Thaxted Neighbourhood Plan is currently in preparation. Paragraph 216 of the NPPF states that the weight given an emerging plan depends on a number of factors:

- the stage of preparation of the emerging plan;
- its consistency to the Framework's policies; and
- objections to relevant policies.

The Plan has not been made (ie adopted) and it has not yet been subject to either a formal examination or a referendum and so it cannot be used as a basis for planning policy, a view confirmed by a Planning Inspector in the recent appeal case at Little Maypole in Thaxted (APP/C1570/W/17/3187821). The applicant is not required to meet the policies of the Thaxted Neighbourhood Plan and its associated documents.

## **8. PARISH COUNCIL COMMENTS:**

- 8.1 The Parish Council objects to the proposal for the following reasons:

- the proposal constitutes ribbon development and it is contrary to policy S7;
- the properties' ridge height is too high which therefore could create loss of light or overshadowing;

- visibility from the garage could have an impact on highways safety;
- overdevelopment, excessive large dwelling are not in accordance with the latest housing needs survey which called for one and two bedroom homes as identified as part of the emerging Neighbourhood Plan;
- the site was dismissed in principal during the call for sights because of policy S7;
- no consultation with local residents.

## **9. CONSULTATIONS:**

### **Environmental Health:**

9.1 Acceptable, subject to conditions.

### **London Stansted Airport:**

9.2 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.

### **Crime Prevention Officer:**

9.3 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 agreed prior to a planning application. A Secured by Design award would also provide evidence of Approved Document 'Q' compliance.

### **Local Highways Authority (Essex County Council):**

9.4 This application has been reviewed by the highway authority, changes were required to the initial layout to ensure that the vehicles could manoeuvre safely within the site, that the access could accommodate two vehicles and that the parking bays were of an adequate size. Funding has also been required to allow the relocation of the 30mph (48km/h) speed limit so as to include this development. From a highway and transportation perspective the impact of the proposal as showing in drawing number 2017-948-002 rev A is acceptable to the Highway Authority subject to conditions.

### **Environmental Health (Uttlesford County Council):**

9.5 Acceptable, subject to conditions.

### **National Grid:**

9.6 No comments, subject to the applicant adopting safer working practices.

9.7 The LPA also sought the views of Cadent Gas and Affinity Water but had not received an response at the time this report was prepared.

## **10. REPRESENTATIONS**

10.1 The LPA advertised the proposal by way of a site notice and notifying forty seven neighbouring occupiers. The following comments were received at the time this report was prepared:

- inadequate on-site parking with a corresponding effect on highway safety;
- no need to carve up agricultural land in an area of outstanding beauty for the sake of more 'affordable' housing;
- outside development limits;
- unsustainable location;
- no consultation with local people;
- more of a need for one and two bedroom dwellings;
- a ribbon development is contrary to Uttlesford planning policy;
- a purely speculative application;
- problems with infrastructural provision for this development including flooding from drains;
- site used by dog walkers and as an amenity space;
- risk of setting a precedent;
- considerable damage to Thaxted's streetscape;
- the site does not form part of land that has been identified as suitable for housing.

Note: these comments include those submitted by The Thaxted Society and the Thaxted Neighbourhood Plan Steering Group.

10.2 The following issues will be addressed in the report:

- outside development limits.
- unsustainable location.
- the site does not form part of land that has been identified as suitable for housing.
- damage to Thaxted's street scape.
- need for smaller dwellings.
- parking.

10.3 In relation to the other issues raised:

- the LPA does not have any specific policies on controlling residential ribbon development.
- the LPA would prefer that applicants discuss their proposals with local people, but there is no requirement to do so for developments of this scale.
- the applicant's motive (eg speculative applications) is not material planning concern.
- the use of the site for dog walking and amenity space is not a material planning concern.
- each application is assessed on its own individual merits without recourse to earlier proposals and so the approval of this application would not established a precedent.
- adequate drainage is a matter for building control.

## 11. APPRAISAL:

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

- A The principle of development (NPPF, Local Plan Policies S3 and S7).
- B Design and visual amenity (NPPF, Essex Design Guide, Thaxted Design Guide, Local Plan Policy GEN2).
- C Residential Amenity (NPPF, Local Plan Policy GEN2).
- D Access to the site and highway issues (NPPF, Local Plan Policies GEN1 and GEN8).
- E Mix of Housing and Affordable Housing (Local Plan Policies H9, H10, and NPPF).

- F Biodiversity and Protection of Natural Environment (Local Plan Policies GEN7, GEN2, ENV7, ENV8 and NPPF).
- G Drainage and Flood Risk (NPPF, Local Plan Policy GEN3).

**A The principle of development:**

- 11.1 The Local Plan, which was adopted on 20 January 2005, identifies the site as being partly outside any settlement limits, that is, within the open countryside and so both Policy S3 (other development limits) Local Plan Policy S7 (the countryside) apply to the proposal.
- 11.2 Policy S3 permits village extensions at Thaxted if the development is compatible with the settlement's character and countryside setting. An assessment of the development in these terms is considered in section on design, but the proposal is considered to meet Policy S3's requirements.
- 11.3 Policy S7 recognises the intrinsic value of the countryside by limiting development that either needs to take place in such locations or else would be appropriate for the area. There are some exceptions relating to limited infilling, but the LPA does not consider that the site constitutes an infill plot. However, policy S7 cannot solely be used in the determination of the application for the following reasons:
- (a) following the adoption of the Local Plan, the Government published its overarching National Planning Policy Framework (NPPF) in March 2012, which obliged planning authorities to take a more flexible approach to sustainable development; and
  - (b) there are additional considerations where as is the case for Uttlesford District Council, a LPA cannot demonstrate a five years' supply of deliverable housing sites.
- 11.4 *(a) The introduction of NPPF:*
- The LPA asked an independent consultant in July 2012 to check the compatibility of the Local Plan's policies against the Framework's new requirements. The report concluded that Policy S7 was only partially consistent with the Framework, as it took a too restrictive to sustainable development in the countryside.
- 11.5 *(b) A five year supply of housing:*
- Paragraphs 47-49 of the NPPF require the Council to identify at least five years' supply of housing land. In particular, paragraph 49 states, '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'.
- 11.6 The Council's most recent housing projection was in August 2017 and it identified that the housing land supply for Uttlesford was between 3.77 and 4.2 years' worth, which is less than the five year requirement. In such circumstances, the LPA must apply paragraph 14 of the Framework and grant planning permission if:
- the proposal simultaneously satisfies all three of the NPPF's criteria for sustainability development (that is economic, social and environmental); and

- any harm arising from the proposal's harm does not significantly and demonstrably outweigh any benefit created by the development. This is based on whether the proposal meets all other relevant planning policies.

11.7 *NPPF sustainability criteria:*

**Economic role:** a strong, responsive and competitive economy by ensuring, amongst other things, that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.

The application site is partly located outside the town's settlement boundary, but it would still be close to the town's services and facilities and adjacent to existing residential units. The development would contribute to addressing the Council's shortfall of housing supply. Any economic benefit created by the construction of the development would be limited and temporary in nature, and so would carry limited weight but the new occupants would support Thaxted's services. Against this benefit, the LPA notes that there are limited employment opportunities in Thaxted.

**Social role:** supply the required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

The proposal would create a nine dwelling development with a quality built environment. The site is around 0.6km from the town centre which means the town's amenities could be easily accessed by cycling, walking or other non-car means. Future occupiers would have the opportunity to take part in the town's social activities and to support the local community. The proposal would provide new dwellings that comply with the accessibility requirements of Part M of the Building Regulations for less able occupiers.

**Environmental Role:** protect and enhance the natural, built and historic environment, including improvements to biodiversity and minimising waste and the impact on the environment.

The application site is a modestly size plot of open land. Some harm would still arise from the development, due to the loss of open space, but this should be balanced against the benefit from the dwelling units being energy efficient and contain features to ensure low carbon usage, as required by building regulations.

11.8 *Conclusion:*

Without a current five year supply of housing, the LPA must assess the proposal against the NPPF's sustainability criteria, rather than just Policies S3 and S7. The development must be approved if the proposal meets the three tests of sustainability and its benefits outweigh any harm. The proposal would satisfy the economic and social criteria and, on balance, the environmental role as well, although there would be some negative impact in this respect. Providing the proposal creates a net benefit in planning terms by complying with all other relevant policies, the principle of the development on the site is acceptable.

**B Visual amenity and design:**

- 11.9 The NPPF stipulates that development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate

development and is visually attractive as a result of good architecture (NPPF, paragraph 58).

- 11.10 Policy GEN2 seeks to promote good design requiring development to have regard to the scale form, layout and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate.
- 11.11 Reference should also be made to the Thaxted Design Statement with particular reference to boundary treatment, use of materials and colour palette. A re-creation of historic design is not necessary, but new buildings should be constructed to a high design level.
- 11.12 The applicant is proposing a traditional design with a mix of traditional design cues, such as the inclusion of gables, undercroft parking and semi-hipped roofs. The appearance of the dwellings is therefore considered to be acceptable, especially given the diverse mix of architectural styles along Bardfield Road. The applicant states the external walls would be a mixture of brick, render and weatherboarding with slate and tiles used for the roofs which are typically found on other dwellings in the district and so may be considered to be a reflection of the Essex vernacular.
- 11.13 In accordance with local policy GEN2, the LPA requires developers to provide new homes, which are designed to lifetime homes standards, but the scheme will need to comply with Part M of the Building Regulations, which secures the process to enable the delivery of lifetime wheelchair adaptable homes.
- 11.14 The scale of the properties' individual units are in keeping with the area and would create private amenity spaces of over 100 square metres, which meets the LPA's suggested thresholds for dwellings of this size

**C Residential amenity:**

- 11.15 Local Plan Policy GEN2(i) states that residential amenity would be assessed in terms of a proposal's impact on privacy levels for neighbouring and future occupiers, whether the development would cause excessive shadowing, create a visually dominant feature or lead to a material loss of privacy to occupiers of neighbouring occupiers .
- 11.16 Properties in the area are already overlooked and the inclusion of additional dwellings would not result in a material loss of privacy for existing occupiers. The development's linear layout would ensure that there would be a limited impact on shadowing: some shade from the western most dwelling would fall across the gardens of the nearest property in Claypits Villas (number 20), but any shadowing created by the new houses would track across Bardfield Road for the majority of the day and then the existing open fields late in the day. The separation distances between the development and the existing dwellings is sufficient to ensure that there would be no material visual intrusion.

**D Access and parking:**

- 11.17 Applicants are required to show that their development would not compromise the safety of the highway by ensuring that any additional traffic generated by the development can easily be accommodated within the existing highway network (Policy GEN1) and by providing a commensurate level of parking that is appropriate for the development (Policy GEN8).

- 11.18 Essex County Council, who act as the local highways authority, expressed concern over the original layout regarding visibility splays, amongst other points. Accordingly the applicant revised the housing layout to address these points and after a further consultation with highways, the officers consider the proposal to be acceptable in terms of highway safety and traffic generation, subject to the conditions relating to the Advance Payments Code and the preparation of the site layout prior to occupation.
- 11.19 Policy GEN8 calls for a sufficient number of parking spaces that would be appropriate for the development as set out in the parking standards of Essex County Council and Uttlesford District Council. A residential development's parking is determined by the number of bedrooms of each dwelling: a three bedroom house should provide at least two parking spaces. The proposal is acceptable in this regard. Furthermore parking would be confined to the site's curtilage and so highway safety would not be compromised by the proposal. There is no policy requirement for applicants to provide physical cover for vehicles, such as a garage or cart lodge. There is sufficient space within each property's curtilage to provide spaces for cycles and the applicant is also proposing to include enough visitor spaces for the size of the development as set out in the parking standards.

**E Dwelling mix and the provision of affordable housing:**

- 11.20 Paragraph 50 of the NPPF states that developments should deliver a wide choice of high quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 11.21 Policy H9 provides on a site to site basis an element of affordable housing, but in accordance with the housing minister's planning guidance issued in November 2014, a developer does not have to provide on-site affordable housing or an offsite financial contribution for a housing scheme for ten or fewer dwelling. As a result of the minister's statement (which was been upheld in appeal), the applicant does not have to make a provision for affordable housing for this development.
- 11.22 Policy H10 requires that developments of three or more dwellings should provide a significant proportion of small two and three bedroom properties. Since the adoption of the Local Plan, however, the Strategic Housing Market Assessment (SHMA) has identified that there is a need for dwellings with three or more bedrooms.
- 11.23 The LPA would prefer that the estate included some smaller two bedroom units across the scheme, but as the size of the development is limited to nine dwellings, the development is appropriate in this regard.

**F Biodiversity and Protection of Natural Environment:**

- 11.24 Paragraph 98 of Circular 06/05 (Biodiversity and Geological Conservation) states 'that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would likely to result in harm to the species or its habitat' (p33). The NPPF states that 'the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible' (paragraph 109). The application site is not subject of any statutory nature conservation designation.
- 11.25 Policy GEN2 applies a general requirement that development safeguards important

environmental features in its setting whilst Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. ENV8 requires development to protect landscape elements (such as hedgerows, woodland, river corridors).

- 11.26 The applicant's completed site biodiversity questionnaire did not identify any potential concerns.

**G Drainage and Flood Risk:**

- 11.27 The NPPF states that inappropriate development in areas of high risk flooding should be avoided by directing development away from areas at highest risk (NPPF, part 10). Policy GEN3 does not permit development within the functional floodplain unless there is an exceptional need. Outside flood risk areas development must not increase the risk of flooding through surface water run-off. A flood risk assessment will be required to demonstrate this point. Sustainable drainage should also be considered as an appropriate flood mitigation measure in the first instance.

- 11.28 The site lies within flood risk zone 1 (as identified by the Environment Agency's flood map) which means that it is at the lowest risk of flooding.

**12. CONCLUSION**

The proposal is in accordance with national and local planning policies and so it is an acceptable form of development for the following reasons:

- A** The site is considered to be in a sustainable location and so the principle of residential development at this location has been established.
- B** the overall design and appearance is acceptable in the context of the site;
- C** there are no issues relating to housing mix or to require affordable housing;
- D** there would be no material impact on the amenity of neighbouring occupiers nor on the future occupiers of the development;
- E** there are no issues relating to site biodiversity;
- F** there are no identified flood risks on the site.

**RECOMMENDATION - CONDITIONAL APPROVAL SUBJECT TO A s106 LEGAL OBLIGATION.**

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 8 July 2018 the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Finance, in which case he shall be authorised to conclude such an obligation to secure the payment of monies relating to the securing of a traffic regulation order and the associated signing and road markings.**
- (II) In the event of such an obligation being made, the Assistant Director of Planning shall be authorised to grant permission subject to the conditions set out below:**
- (III) If the freehold owner shall fail to enter into such an obligation, the Assistant Director Planning shall be authorised to refuse permission in his discretion at**

**any time thereafter for the non-payment of monies relating to the securing of a traffic regulation order and the associated signing and road markings.**

**Conditions:**

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

REASON: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to first occupation, the access as shown in the submitted drawing **2017-948-002 rev A** shall be provided, with the associated clear to ground visibility splays of 2.4m by 120m in both directions, as measured from and along the nearside edge of 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.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner 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).

3. Prior to first occupation a drop kerb shall be provided on the northern side of Barfield Road opposite the western edge of the access.

REASON: To facilitate pedestrian access to the footway opposite and in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

4. Prior to first occupation the cycle, vehicle, parking and turning areas to be implemented as shown in the submitted drawing **2017-948-002 rev A**. The vehicle and turning areas should be hard surfaced, sealed and maintained in perpetuity thereafter.

REASON: To ensure that that access, appropriate parking and turning is provided 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. No unbound material shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1 (adopted 2005).

6. If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

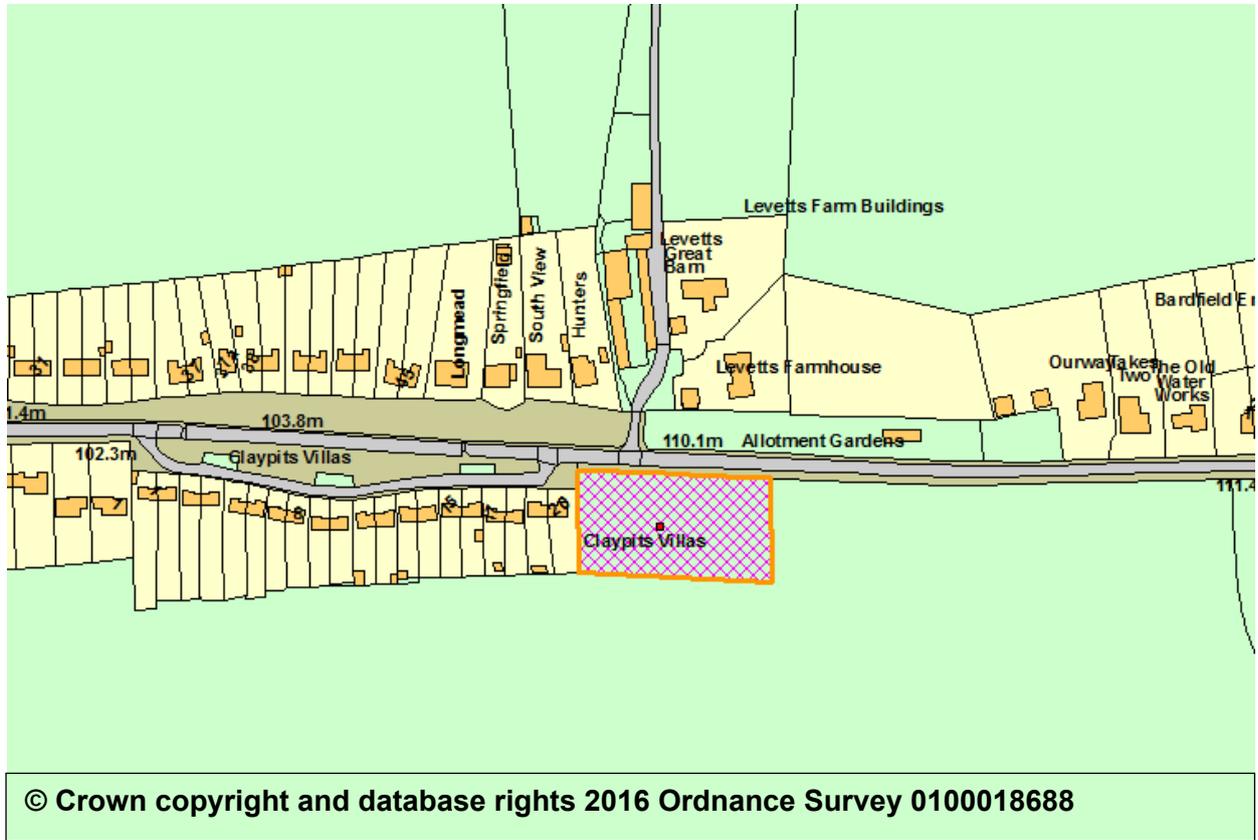
REASON: To protect human health and the environment and in accordance with Uttlesford Local Plan Policy GEN14 (adopted 2005).

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

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

Application: UTT/17/3571/FUL

Address: Land East of Claypit Villas, Bardfield Road, Thaxted



Organisation: Uttlesford District Council  
Department: Planning  
Date: 27 April 2018

## UTT/18/0103/DFO – (GREAT EASTON)

(Reason: More than five dwellings).

**PROPOSAL:** Details following outline application UTT/17/0259/OP for 9 no. dwellings, details of appearance and scale

**LOCATION:** Land to the south of The Endway, Great Easton, Essex

**APPLICANT:** Mr S Wheelhouse (Moody Homes Ltd)

**AGENT:** Mr M Morgan (Petro Designs Ltd)

**EXPIRY DATE:** 8 May 2018

**CASE OFFICER:** Peter McEvoy

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### **1. NOTATION:**

1.1 The following constraints apply to this proposal:

- general aerodrome direction.
- partly within Great Easton's development limits and partly outside its development limits.
- within Great Easton's conservation area.

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

2.1 The site lies on the south side of The Endway and comprises an open and rough area of sloping ground adjacent to a former builder's yard with a stated area of around 0.33ha. The site extends down to Brocks Mead, a small residential estate which has a cul-de-sac arm with hammerhead turning that leads to the site with gated entrance at its south-western corner. The frontage of the site is screened from The Endway by a line of established native hedgerow and more recent hedge planting, whilst the rear boundary of the site backs onto open fields.

2.2 The Endway is a narrow road with numerous properties closely facing each other on either side of the highway.

### **3. PROPOSAL:**

3.1 The applicant company is requesting reserved matters planning permission relating to appearance and scale (only) for the construction of nine dwellings consisting of:

- five detached four bedroom dwellings (plots 1, 2, 6, 7, and 8).
- four detached three bedroom dwellings (plots 3, 4, 5, and 9).

3.2 The dwellings would be laid out in two rows running along the highways, with four properties fronting The Endway to the north and the remaining five properties near to Brocks Mead to the south.

### **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.

**5. APPLICANT'S CASE:**

5.1 The applicant has included a planning, design and access statement as part of the submission.

**6. RELEVANT SITE HISTORY:**

6.1 UTT/17/0259/OP – outline application, with appearance and scale reserved, for proposed redevelopment of existing builder's yard for nine new dwellings, accessed from Brooks Mead and The Endway (approved 3 August 2017).

6.2 Various planning permissions have been granted for residential development in the past for part of the site and for the wider Brooks Mead development now built below the site (DUN/0125/58, UTT/0533/74, UTT/0533/74/A, UTT/0727/78, UTT/0727/78/A, UTT/0727/78/B and UTT/0727/78/C).

**7. POLICIES:**

**7.1 National Polices:**

- National Planning Policy Framework (2012)

**7.2 Supplementary Planning Documents/Guidance:**

- SPD Essex Design Guide.

**7.3 Local Plan Policies (2005):**

- ENV1 – Design of Development within Conservation Areas.
- ENV7 – Site Biodiversity.
- GEN2 – Design.

**7.4 Other material considerations:**

- Great Easton Conservation Area Appraisal and Management Proposals Document (Approved June 2014).

**8. PARISH COUNCIL COMMENTS:**

8.1 The LPA notified the Parish Council on 18 January 2018, but no response has been received at the time this report was prepared.

**9. CONSULTATIONS:**

**Environmental Health**

9.1 No objection subject to conditions to secure ecological mitigation and enhancement measures. The details have not changed significantly, hence the comments are the same as those made by Sue Hooton dated 28 June 2017.

## **London Stansted Airport**

9.2 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.

### **10. REPRESENTATIONS:**

10.1 The LPA notified 66 occupiers and received the following comments:

- construction traffic will create parking problems, especially to pedestrians
- road safety issues.
- properties should meet the 'Secured by Design' criteria.
- too many houses.
- loss of privacy (particularly for residents of The Old House, which is opposite the application site).
- loss of sunlight.
- noise from vehicles entering and leaving the development.
- asbestos on site.
- vehicular access should be via The Endway entrance and not via Brocks Mead to prevent a repeat of the damage to residents' drains when the initial building on this site was completed. Brocks Mead is narrow and parked vehicles caused large vehicles to mount the kerb, under which the drains are situated. There is a danger caused to other road users, particularly pedestrians, if this restriction on vehicular access is not imposed and monitored.

12.1 The following issues will be addressed in the report:

- house numbers.
- loss of privacy.
- loss of sunlight from shade generated by the development.

12.2 In relation to the other issues raised:

- road safety issues and vehicular access were deemed to be acceptable in the outline permission and so cannot be considered again.
- disturbance from construction work and traffic is inevitable for any development and by itself cannot be a reason to refuse an application. The Council's Environmental Health Officers can investigate instances where the construction work constitutes a legal nuisance. (Damage to drains would be a private legal matter to be taken by an affected party).
- the Council would encourage applicants to seek a 'Secured by Design' accreditation, but it is not a reason to refuse an otherwise acceptable proposal.

### **11. APPRAISAL:**

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

- A Design, visual amenity and impact on the conservation area (NPPF, Local Plan Policies ENV1 and GEN2).
- B Residential amenity (Local Plan Policy GEN2).
- C Site biodiversity (Local Plan Policy GEN7).

**Note:** the outline planning permission assessed the principle of development and access matters to be acceptable.

**A Design, visual amenity and impact on the conservation area:**

- 11.1 The NPPF stipulate development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate development and is visually attractive as a result of good architecture (paragraph 58). Policy GEN2 seeks to promote good design requiring development to have regard to the scale form, layout and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate.
- 11.2 The proposal lies within the Great Easton Conservation Area and Policy ENV1 deals with the design of development in these locations. Proposals should preserve or enhance the character and appearance of the essential features of the conservation area. Development involving the demolition of a structure which positively contributes to the character and appearance of the area would not be permitted.
- 11.3 The Great Easton Conservation Area Appraisal gives a detailed analysis of the essential features of the village's conservation area. It identifies the settlement as a rural community in the open countryside and there is a recognition of the village's historic core; however, the appraisal also makes a specific mention of the poor visual amenity of the application site. For that reason, a sensitively designed development in this location that respects the vicinity's built form would have the potential to improve the general appearance of the site and, by extension, the conservation area as well. The current building and the associated clutter of the business detracts from the general streetscene and so its removal would not be prejudicial to the conservation area.
- 11.4 The proposed houses would be modern in appearance but would feature some interesting architectural flourishes, such as the fenestration treatments, use of jettied first floors, pitched front gable and exposed chimneys that would not be out of keeping with the local vernacular. The choice of materials, such as the use of weatherboarding, are typically found in other houses throughout the district. Overall the design and appearance are acceptable, but a condition is recommend to oblige the developer to use the materials listed in the submitted external materials schedule.
- 11.5 Although the applicant is proposing nine dwellings on the site, there would still be sufficient amenity space to meet the Council's general guidelines for houses of this type (100m<sup>2</sup>) and so the dwellings' scale is acceptable for the site. Separation distances are deemed to be satisfactory, both 'back to back' between the two rows and the gaps between each individual dwelling on the site and the nearest structures beyond the site's boundaries. Housing density is comparable with other nearby developments.

**B Neighbourhood amenity:**

- 11.6 Local Plan Policy GEN2(i) requires developments to not create an unacceptable impact on the amenity of nearby occupiers in terms of shadowing, visual dominance or loss of privacy.
- 11.7 Properties within the vicinity are already overlooked and so the development is not expected to lead to a material loss of privacy to existing residents (the separation distance between the new dwellings and the properties opposite the site is around a

minimum of 20m). Occupiers of the new development would experience overlooking, but this is to be expected in residential developments of this nature. Any shadowing cast by the new houses would not be material. The shade would fall mainly along either The Endway for the northern row of houses, or else the back gardens of the southern row of houses for the majority of the day. The development would be visible from the highways and result in a greater built form compared to the existing buildings, but the dwellings would be sufficiently set back from the roads to ensure that the proposal would not create an materially unacceptable visual impact. The layout and spacing of the development would also guard against visual intrusion between occupiers of the new houses.

**C Site biodiversity:**

- 11.8 Local Plan Policy GEN7 requires applicants to show that the development would not have a harmful effect on wildlife or geological features unless the need for the development outweighs the importance of the feature to nature conservation. Applicants also have a legal duty towards legally protected species or habitats. Place Services do not raise any objections to the development, subject to conditions (see their above comments).

**12. CONCLUSION:**

The proposal is in accordance with national and local planning policies and so it is an acceptable form of development for the following reason:

- A** The scale, appearance and design of the proposed residential development would be in keeping with the general streetscene and wider conservation area.

**RECOMMENDATION – APPROVE WITH CONDITIONS.**

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

REASON: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out strictly in accordance with the 'External Finishes Schedule' dated 6 November 2017 and submitted to the local planning authority on 9 February 2018, unless otherwise agreed in writing with the local planning authority.

REASON: In the interests of ensuring the development is appropriate to the character of the surrounding area, in accordance with Uttlesford Local Plan Policies ENV1, and GEN2 (adopted 2005).



## UTT/18/0307/FUL – (GREAT CHESTERFORD)

(Application to implement permission otherwise than in accordance with conditions imposed by Committee)

**PROPOSAL:** Variation of condition 2 on planning permission UTT/14/0174/FUL (Demolition of commercial buildings and erection of 42 no. dwellings) in order to incorporate general minor amendments to site plan and increase in units to 45 no.

**LOCATION:** New World Timber Frame and Graveldene Nurseries, London Road, Great Chesterford CB10 1NY

**APPLICANT:** Enterprise Property Group

**AGENT:** PiP Architecture

**EXPIRY DATE:** 11 May 2018

**CASE OFFICER:** Luke Mills

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### 1. NOTATION

1.1 Within Development Limits; Employment Land; Employment Land to be Safeguarded.

### 2. DESCRIPTION OF SITE

2.1 The application site is located off London Road, Great Chesterford. It has been cleared of previous development, and construction works in connection with a planning permission for a 42-dwelling development are at an advanced stage.

### 3. PROPOSAL

3.1 The application is to vary Condition 2 of planning permission UTT/14/0174/FUL, which reads:

*2. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule below.*

3.2 The proposed variation to the schedule of approved plans would facilitate amendments to the site layout and the insertion of three additional one-bedroom flats in the roof spaces of the approved apartment buildings.

### 4. ENVIRONMENTAL IMPACT ASSESSMENT

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

### 5. APPLICANT'S CASE

5.1 The application includes the following documents:  
- Supporting statement

## **6. RELEVANT SITE HISTORY**

- 6.1 The site has an extensive planning history. However, the most relevant sequence of applications begins with a full planning permission for the erection of 42 dwellings in December 2014 (UTT/14/0174/FUL). A subsequent Non-Material Amendment to some of the building designs was approved in March 2018 (UTT/18/0334/NMA) and an amended site layout was approved in April 2018 (UTT/18/0313/FUL).
- 6.2 An application for an amendment to facilitate the provision of three additional dwellings was refused in November 2017 (UTT/17/2334/FUL).

## **7. POLICIES**

- 7.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:
- (a) the provisions of the development plan, so far as material to the application,
  - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.
- 7.2 S73 of the Act requires the local planning authority, in dealing with an application to develop land without compliance with conditions previously attached, to consider only the question of the conditions subject to which planning permission should be granted.
- 7.3 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.4 Relevant development plan policies and material considerations are listed below.

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

- 7.5
- S3 – Other Development Limits
    - GEN1 – Access
    - GEN2 – Design
    - GEN3 – Flood Protection
    - GEN6 – Infrastructure Provision to Support Development
    - GEN7 – Nature Conservation
    - GEN8 – Vehicle Parking Standards
  - E1 – Distribution of Employment Land
  - E2 – Safeguarding of Employment Land
  - ENV2 – Development affecting Listed Buildings
  - ENV4 – Ancient Monuments and Sites of Archaeological Importance
  - ENV10 – Noise Sensitive Development and Disturbance from Aircraft
  - ENV14 – Contaminated Land
  - H1 – Housing Development
  - H3 – New Houses within Development Limits
  - H9 – Affordable Housing
  - H10 – Housing Mix

### **Supplementary Planning Documents/Guidance**

- 7.6 SPD – Accessible Homes and Playspace (2005)  
The Essex Design Guide (2005)  
Parking Standards: Design and Good Practice (2009)  
Uttlesford Local Residential Parking Standards (2013)

### **National Policies**

- 7.7 National Planning Policy Framework (NPPF) (2012)  
- paragraphs 14, 17, 22, 32-39, 47-49, 55, 58, 100-104, 111, 118, 120-123 & 128-135  
Planning Practice Guidance (PPG)  
- Conserving and enhancing the historic environment  
- Design  
- Flood risk and coastal change  
- Housing: optional technical standards  
- Land affected by contamination  
- Natural environment  
- Planning obligations  
- Rural housing  
House of Commons Written Statement: Sustainable drainage systems (HCWS161) (2014)  
Planning Update: Written statement (HCWS488) (2015)

### **Other Material Considerations**

- 7.8 West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) (2015)  
Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)  
Housing Trajectory 1 April 2017 (August 2017)

## **8. PARISH COUNCIL COMMENTS**

- 8.1 Objection. Full response:

“The Parish Council wishes to object to this application. We would repeat our objections to previous applications for variations on this site and have continuing concerns about safety of access, insufficient parking provision in breach of design guide standards, loss of open space relative to the original application and lack of lift provision.”

## **9. CONSULTATIONS**

### **London Stansted Airport**

- 9.1 No objections.

### **Highways England**

- 9.2 No objections.

## Highway Authority (Essex County Council)

9.3 Inadequate cycle parking provision. Extract:

“It is not possible to locate the cycle parking for the apartments on the revised plans (although it has been identified on the original plans). In order to conform with Essex Parking Standards a convenient, secure, covered cycle parking should be provided for each dwelling. We would not want this condition varied until the plans show the location of the cycle parking spaces of a number and design that conform with the Essex Parking Standards.”

### Environmental Health Officer

9.4 No objections.

## 10. REPRESENTATIONS

10.1 Neighbours were notified of the application by letter, and notices were displayed near the site and in the local press. One objection has been received, which includes the following concerns:

- Increased risk to highway safety
- Inadequate parking provision
- Harmful effect on the appearance of the site

10.2 The above points are covered in the below appraisal.

## 11. APPRAISAL

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

- A Location of housing (S3, H1, H3, 55 & PPG)
- B Character, appearance and heritage (S3, GEN2, ENV2, 58, 128-134 & PPG)
- C Transport (GEN1, GEN8, 32-39 & HCWS488)
- D Accessibility (GEN2, 58 & PPG)
- E Amenity (GEN2, ENV10, 17 & 123)
- F Flooding (GEN3, 100-104, PPG, HCWS161 & SFRA)
- G Infrastructure (GEN6)
- H Biodiversity (GEN7, 118 & PPG)
- I Employment safeguarding (E1, E2, Local Policy 1, Local Policy 2 & 22)
- J Archaeology (ENV4, 128-135 & PPG)
- K Land contamination (ENV14, 120-122 & PPG)
- L Affordable housing (H9 & PPG)
- M Housing mix (H10 & SFRA)
- N Housing land supply (47-49)
- O Previously developed land (111)

### A Location of housing (S3, H1, H3, 55 & PPG)

11.1 The proposed amendments do not affect the development's accordance with policies on the location of housing.

### B Character, appearance and heritage (S3, GEN2, ENV2, 58, 128-134 & PPG)

11.2 The main effect on the appearance of the development would be from the

dormers in the apartment buildings and the increased amount of hard surfacing to accommodate additional parking spaces. Overall, it is considered that there would be little change to the appearance of the development, such that there would be no conflict with the above policies.

- 11.3 It is noted that the proposed changes would have no material effect on the setting of the nearby Grade II listed building, Stanley House. In drawing this conclusion, regard has been had to the Council's statutory duty under S66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

**C Transport (GEN1, GEN8, 32-39 & HCWS488)**

- 11.4 The highway authority has raised concerns regarding the cycle parking provision for the apartment buildings, as shown on the site plan submitted with the application. A revised plan has since been submitted, which demonstrates that the Council's minimum standards would be met.
- 11.5 The amended site layout proposed in application UTT/18/0313/FUL was approved with a condition that two further spaces be provided – one in front of Plot 12 and the other in the parking court in the southern corner of the site. Compared with that scheme, the current proposal generates a demand for an additional three residents' parking spaces and one visitor space – a total of four spaces. However, only two additional spaces would be provided.
- 11.6 It is acknowledged that residents would realistically be able to park their cars, but only through the use of spaces allocated to visitors which are already fewer than required by the Council's minimum standards. As a result visitors would be forced to park on roads not designed to accommodate parked cars, causing a risk to highway safety. It should also be noted that the visitor space on the driveway of Plot 30 would most likely be used by the occupier of that dwelling, further reducing visitor parking provision.
- 11.7 It is concluded that the proposal conflicts with Policy GEN8 due to the under-provision of vehicle parking spaces by reference to the Council's minimum residential parking standards. Taking into account paragraphs 32-39 of the NPPF and HCWS488, it is considered that the minimum standards are relevant in this case due to the likely level of car ownership and the potential risk to highway safety from on-street parking.

**D Accessibility (GEN2, 58 & PPG)**

- 11.8 Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' require new dwellings to comply with the Lifetime Homes standards, although these have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Nevertheless, as the application relates to a scheme designed in accordance with the SPD, it is considered that those standards should continue to be applied to the proposed variation.
- 11.9 The proposal for three additional flats on the second floor does not meet the requirements of the SPD, which requires that apartment buildings of more than two storeys contain a lift. Incidentally, the new standards at Requirement M4(2) of the Building Regulations are even stricter on this point, requiring a lift in apartment buildings with more than one storey.

**E Amenity (GEN2, ENV10, 17 & 123)**

11.10 Each of the two apartment buildings on the site would be served by a communal garden for residents. The Essex Design Guide, a non-adopted but useful guidance document, indicates that communal gardens should be provided on the basis of 25 sq m per flat.

11.11 As a result of the addition of one flat to one apartment building and two flats to the other building, the 'per flat' garden provision would be reduced to 23 and 18 sq m respectively. While the latter represents a significant under-provision, it is considered that a reasonable level of amenity would be provided for the occupants taking into account the functional shape of the communal garden and its accessible position.

11.12 The apartment block containing Plots 15 – 20 b would have an additional dormer window facing south-east, giving rise to the potential for overlooking of 9 Ash Green. However, it is considered that the impact would be no greater than that caused by the approved lounge/diner window at Plot 20, on the first floor.

**F Flooding (GEN3, 100-104, PPG, HCWS161 & SFRA)**

11.13 The proposed amendments do not affect the development's accordance with policies on flooding.

**G Infrastructure (GEN6)**

11.14 The original planning permission was accompanied by a S106 agreement, which secured financial contributions towards education provision and off-site open space and play area infrastructure. The education authority confirmed in relation to application UTT/17/2334/FUL that no further education contributions are required, and it is considered that there is no policy basis to seek further contributions towards open space and play area infrastructure.

**H Biodiversity (GEN7, 118 & PPG)**

11.15 The proposed amendments do not affect the development's accordance with policies on biodiversity.

**I Employment safeguarding (E1, E2, Local Policy 1, Local Policy 2 & 22)**

11.16 The proposed amendments do not affect the development's accordance with policies on employment safeguarding.

**J Archaeology (ENV4, 128-135 & PPG)**

11.17 The proposed amendments do not affect the development's accordance with policies on archaeology.

**K Land contamination (ENV14, 120-122 & PPG)**

11.18 The proposed amendments do not affect the development's accordance with policies on land contamination.

## **L Affordable housing (H9 & PPG)**

- 11.19 Policy H9 indicates that 40% of the 45 dwellings must be affordable homes. This equates to 18 units, which is an increase of one unit compared with the approved scheme. Plot 38a has been identified as the additional affordable home, and its tenure would be secured through a variation of the S106 agreement.

## **M Housing mix (H10 & SFRA)**

- 11.20 Policy H10 requires residential developments to include a significant proportion of small market dwellings with no more than three bedrooms. The development would remain in accordance with this policy.

## **N Housing land supply (47-49)**

- 11.21 Paragraphs 47-49 of the NPPF describe the importance of maintaining a five-year supply of deliverable housing sites. As identified in the most recent housing trajectory document, Housing Trajectory 1 April 2017 (August 2017), the Council's housing land supply is currently 3.77 – 4.2 years. Therefore, the proposed addition of three units must be regarded as a positive effect.

## **O Previously developed land (111)**

- 11.22 The proposed amendments do not affect the development's accordance with policies on the reuse of previously developed land.

## **12. CONCLUSION**

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

- A** The proposal for three additional flats would cause the development to conflict with the Council's minimum standards on parking provision and accessibility. While the positive contribution towards meeting housing land supply targets must be taken into account, it is considered that the adverse effects of the proposal would significantly and demonstrably outweigh the benefits. It is therefore concluded that the application conflicts with the development plan and the NPPF, and it is recommended that the application be refused.

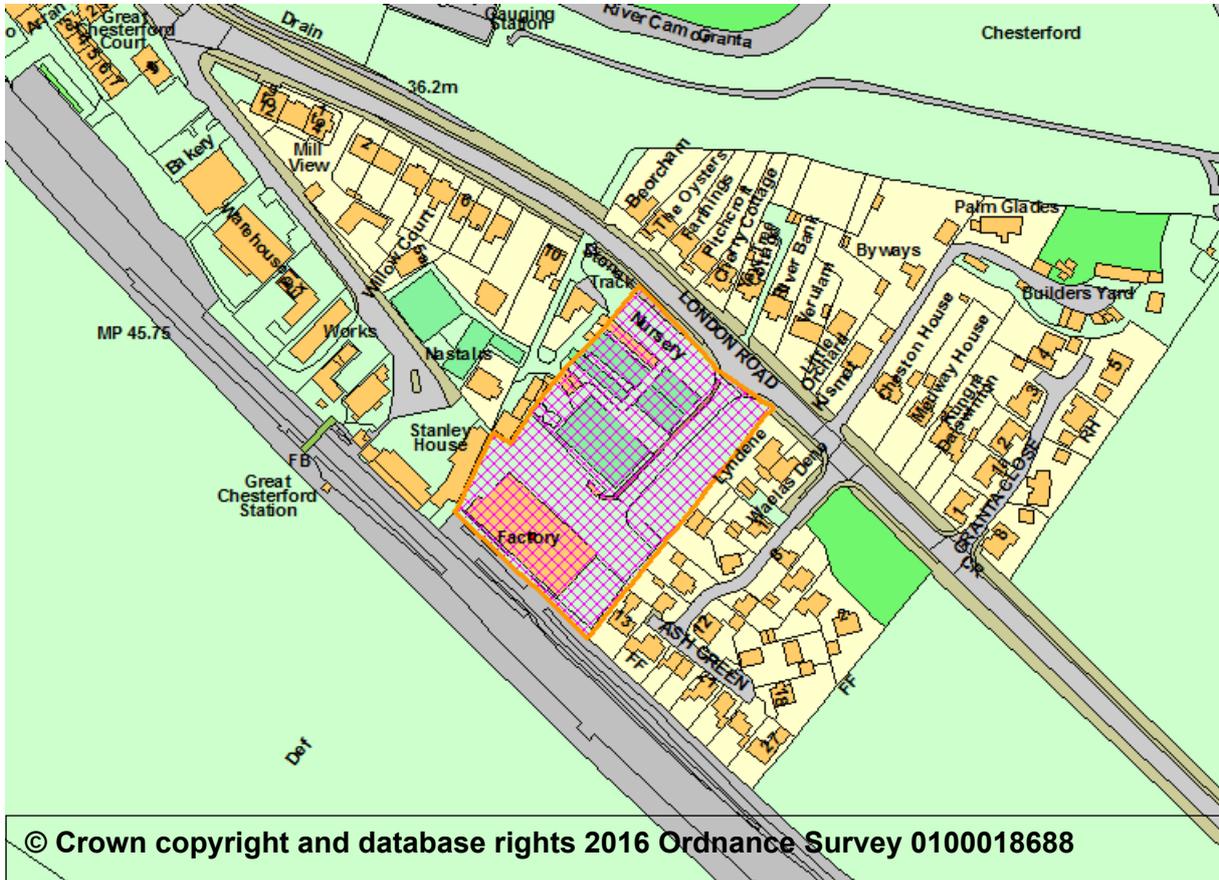
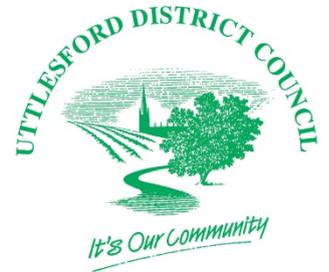
## **RECOMMENDATION – REFUSAL**

### **Reasons**

1. The proposal includes inadequate provision for vehicle parking, thereby causing a risk to highway safety from on-street parking in conflict with Policy GEN1 and Policy GEN8 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.
2. The proposal includes a poor level of accessibility for the three additional dwellings, in conflict with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the 'Accessible Homes and Playspace' SPD and the National Planning Policy Framework.

Application: UTT/18/0307/FUL

Address: New World Timber Frame and Graveldene Nurseries, London Road, Great Chesterford



Organisation:	Uttlesford District Council
Department:	Planning
Date:	27 April 2018

## UTT/18/0188/OP – (ELMDON)

(Referred to the Planning Committee by Cllr Chambers due to over development of the site and result in a planning precedent)

(Deferred on the 11<sup>th</sup> April 2018 for site visit)

**PROPOSAL:** Outline application, with all matters reserved except for access, for the demolition of outbuilding and the erection of 2 no. single storey dwellings, garages and access. (Revised proposals to those approved under UTT/16/2991/OP and UTT/17/0763/OP)

**LOCATION:** Rear Of Holly Hedge, Woodmans Lane, Duddenhoe End

**APPLICANT:** MKT Developments

**AGENT:** Donald Purkiss & Associates LLP

**EXPIRY DATE:** 11 May 2018

**CASE OFFICER:** Chris Tyler

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### 1. NOTATION

1.1 Outside Development Limits.

### 2. DESCRIPTION OF SITE

2.1 This application site is to the rear of the dwellings of Wendens Vineyard and Holly Hedge in the Village of Duddenhoe End. The site comprises a detached domestic stable block and paddock area located to the south of Woodmans End.

The stable block includes a low level pitched roof and has external finishes of weatherboarding under a tiled roof. The existing access to the site is provide adjacent Wendens Vineyard.

### 3. PROPOSAL

3.1 This planning application seeks outline permission with all matters reserved except access for the demolition of the existing outbuilding and the erection of 2 no. single storey dwellings and garages.

3.2 The proposed submitted plans are for indicative use only, the layout, scale, landscaping and appearance would be considered in a reserved matters application.

### 4. APPLICANT'S CASE

4.1 The applicant has provided a 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.

Also submitted is a biodiversity questionnaire.

## **5. RELEVANT SITE HISTORY**

- 5.1 UTT/17/0763/OP – Outline application, with all matters reserved except for access, the demolition of existing garage for the erection of 1 no. single storey dwelling, garage and access. (Refused by LPA, allowed at appeal)

UTT/16/2991/OP – All matters reserved except for access, for replacement of stables as a new single storey dwelling. (Approved 2/12/2016)

UTT/13/2890/OP – (Outline application for the erection of 1 No. dwelling and cartlodge with all matters reserved except access. Demolition of existing garage and outbuildings)

This application was refused by the LPA due to being an unsustainable location and lack of S106 agreement, subsequently this was allowed by appeal on the 30/1/2015. The planning inspector states there are a number of community facilities including; milk delivery service, a school bus and mobile library services and I noted that there is a post box and a village hall. Other facilities are available within the village of Langley some 2km away, from where there is a regular bus service to larger centres including Saffron Walden. Whilst I accept that the majority of journeys would take place by car, the development would help to support local services and therefore is in accordance with the advice in paragraph 55 of the Framework.

## **6. ENVIRONMENTAL IMPACT ASSESSMENT**

- 6.1 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.

## **7. POLICIES**

### **7.1 National Policies**

National Planning Policy Framework (NPPF)

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

Policy S7 - The Countryside

Policy H4 - Backland Development

Policy GEN2 - Design

Policy GEN1 - Access

Policy GEN8 - Vehicle Parking Standards

Policy GEN7 - Nature Conservation

Policy ENV8 - Other landscape elements important to nature conservation

Policy H9 - Affordable Housing

Policy ENV14 - Contaminated Land

### **7.3 Supplementary Planning Documents**

UDC - Accessible Homes and Playspace

UDC - Local Residential Parking Standards

Essex Design Guide

## **8 PARISH COUNCIL COMMENTS**

- 8.1 You are aware that the Parish Council of Elmdon and Wenden Lofts objected to the original application under UTT/17/0763/OP on the basis that we considered this to be backland development, which is contrary to policy S7, and also National Planning Framework. This new application UTT/18/0188/OP seeks to amend the original application by altering the access provisions to additionally provide for the previously granted UTT/16/2991/OP, which was approved on the basis that access was to be provided through Wenden Vineyard where it currently provides the existing stable block.

The Parish Council of Elmdon and Wenden Lofts continue our objection to this amendment (UTT/18/0188/OP) on the grounds that as we did not agree to the original plans we have no reason to alter our view to the amended plan. Furthermore, we are aware that this amended application has considerable opposition from immediate neighbours and a broad group of village residents. We are aware that a detailed letter of objection has been forwarded to you and, having reviewed a copy of this, we thoroughly endorse its contents.

## **9 CONSULTATIONS**

### **ECC Ecology**

- 9.1 No objection.

The plans have not changed in a way that changes the ecological effect/s of the development, comments remain as dated 30 March 2017 (Gemma Holmes).

An informative is recommended for nesting birds.

### **ECC Highways**

- 9.2 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following measures:

There should be no obstruction above 600mm within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction above 600mm at all times.

Reason: To provide adequate inter-visibility between the pedestrian and users of access and the existing public highway for the safety and convenience of the users of the highway and access having regard safety.

Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

## **UDC Environmental Health**

### 9.3 Drainage and Contamination.

Environmental Health have previously investigated a complaint of foul and surface water drainage flooding land located south of the garden to Midsummer House, near the application site. The foul drainage flooding has been resolved by the properties responsible connecting to mains drainage, but I believe there remains a problem of surface water and treated sewage effluent from some or all of the properties between Maple Cottage and Midsummer House (which would include Holly Hedge) discharging onto neighbouring land.

It is believed that some of these properties' surface water passes via soakaways and land drains to a point south east of the application site, and that some of these land drains cross the application site. Other properties' surface water goes to a pipe which runs between Holly Hedge and the application site and also connects to a land drain. This drain is in an unsatisfactory condition and the water discharges onto neighbouring land.

The application states that foul drainage will go to the mains sewer and surface water will go to a soakaway. It is known that this is heavy land with poor percolation. The reported growth of willow and alder trees on the land are further indications of poor drainage. The existing surface water drainage system is inadequate and at risk of disruption from the proposed development. A condition is recommended requiring submission and approval of a scheme to provide satisfactory foul and surface water drainage to the proposed new dwelling, and to avoid any adverse impact on the drainage of existing properties (as applied on appeal to UTT/17/0763).

#### **RECOMMENDED CONDITIONS:**

Prior to commencement of development a scheme to provide satisfactory foul and surface water drainage, and to avoid adverse impacts on the drainage of existing properties, shall be submitted to and approved by the local planning authority; all works which form part of the scheme shall be completed before any part of the development is occupied.

## **10 REPRESENTATIONS**

### 10.1 16 Letters of objection received 1 Neutral letter of comments received

- Unsafe access
- No parking for host dwelling
- The proposal will set a precedent for future development of the area
- Impact to character and setting of the sit and its surroundings
- Further traffic within the area
- No transport
- Not a sustainable area
- It will be appropriate to use conditions to mitigate disturbance to neighbouring properties.
- The buildings shown on the submitted plans have never been present on this site

## **11 COMMENTS ON REPRESENTATIONS**

11.1 All material planning matters will be addressed in the following report.

The proposed submitted plans are for indicative use only, the layout, scale; landscaping and appearance would be considered in a reserved matters application.

Planning precedent is not a material planning consideration; this application is considered by its own merit.

## **12 APPRAISAL**

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

- A The principle of the development of this site (ULP Policies S7, H4, NPPF);
- B Access to the site (ULP Policy GEN1);
- C Vehicle Parking Standards (ULP Policy GEN8 and UDC Local Residential Parking Standards);
- D Design (ULP Policies GEN2 & ENV3, SPD Accessible Homes and Playspace)
- E Nature Conservation (ULP Policy GEN7)
- F Financial Contribution (ULP Policy H9));
- G Contaminated Land (ULP ENV14)

### **A The principle of the development of this site (ULP Policies S7, H4 and NPPF)**

12.1 The application site lies beyond the Development Limits on land classed as countryside where policies are generally restrictive. Policy S7 looks to protect the countryside for its own sake by limiting development to that which needs to be there or is appropriate to a rural area. The National Planning Policy Framework applies a presumption in favour of sustainable development. Development will only be permitted if the appearance of the development protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

In regards to backland development, ULP Policy H4 states that development will be permitted if it follows the following criteria:

- a) There is significant under use of the land and development would make effective use of it,
- b) There would be no material overlooking or overshadowing of nearby properties,
- c) Development would not have an overbearing effect on neighbouring properties,
- d) Access would not cause disturbance to nearby properties.

These element will be included in the following report:

12.2 One of the fundamental material considerations in this application is the previously approved development of this site, this includes approval of the development of the existing stable block to (UTT/16/2991/OP) and the erection of single dwelling (UTT/17/0763/OP), albeit this current application seeks to amend these originally approved and allowed permissions.

12.3 The National Planning Policy Framework establishes a presumption in favour of sustainable development. It also identifies the three dimensions to sustainable development: economic, social and environmental. National Planning Policy Framework states that housing applications should be considered in the context of

the presumption in favour of sustainable development. As identified in the most recent housing trajectory document, Housing Trajectory 1 April 2017 (August 2017), the Council's housing land supply is currently 3.77 - 4.2 years. Therefore, contributions towards housing land supply must be regarded as a positive effect.

This means that applications for sustainable development outside development limits may need to continue to be granted where appropriate to ensure the level of housing supply is robust and provides a continuous delivery of housing. Moreover the proposal should be considered against the three strands of sustainable development including economic, social and environmental.

#### 12.4 Economic:

The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. The development will deliver a small economic role by the creation of a small amount of employment during the construction phase and the occupiers of the houses would contribute to the local economy in the long term, as such there would be some, but limited, positive economic benefit.

#### 12.5 Social:

The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

Previous planning approvals of similar development within the countryside have included site that are in close proximity to services such as school, shops, public houses and industrial estates. It is appreciated this is not the case at this site, however the Planning Inspectorate's recent decision in relation to an outline application for the residential development of a nearby site (Land at the Forge UTT/13/2890/OP and APP/C1570/A/14/2218212) considers the site a fairly sustainable location.

The planning inspectorate advised the site is considered sustainable due to the existence of facilities within Duddenhoe End. These include a milk delivery service, a school bus, mobile library services, a post box and a village hall. There are also other facilities available nearby in Langley and regular bus services to Saffron Walden. There is reasonable access to services and facilities as a result, without dependence on the private car for at least some of those facilities, if not all.

12.6 Following this allowed planning appeal, the Local Planning Authority approved the development of two dwellings within Duddenhoe End (UTT/16/1830/OP) and took into consideration the planning inspector's view of the location, the social element of sustainable development and the NPPF.

12.7 Previous refusal of the proposed development site by the LPA (UTT/17/0763/OP Land rear of Holly hedge) was due to the introduction of the built form within the rural location would result in a harmful impact to the countryside and therefore contrary to ULP Policy S7. No regards to the social element of sustainable development were made by the LPA. Subsequently this application was allowed by appeal on the 17<sup>th</sup> October 2017.

12.8 A further stance has been taken by the Local Planning Authority in regards to this current application. Due to the previous allowed planning inspector decisions of this site and neighbouring sites it is important to ensure that a consistent approach is undertaken in assessing the proposal, although it is appreciated that each case is considered on its own planning merits. Taking into consideration the previous approvals and allowed planning permissions of which are an important material planning consideration, it is considered the site to be fairly socially sustainable and in context with the aims of paragraphs 7 and 55 of the NPPF.

12.9 Environmental:

The landscape performs the function of clearly defining and containing the extent of built form. The site, although is within the rural countryside does include existing outbuildings, this site is heavily screened by vegetation and dense boundary. The size of the site could easily accommodate the proposed dwellings, access, parking and private amenity space, although the development of the site will introduce new built form it will not be overly restricted in size or result in an overdevelopment of the site. The proposal includes two single storey dwellings (shown on the submitted indicative plan), as such due to the scale of the dwelling they will not be overly dominating or obtrusive in the setting of the site and its surrounding. It is therefore considered that the development and regard to the introduction of two single storey dwellings would not result in a detrimental impact to the intrinsically rural appearance.

12.10 Having regard to the above, previous appeal decision and planning approval of this site, I consider the proposed dwellings would be in a suitable and sustainable location, in character with the surroundings and would not have an adverse effect upon the open countryside. It would therefore be consistent with ULP Policies S7 and H4 in respect of back land development, as well as guidance within the Framework in respect of development in rural areas.

## **B Access to the site (ULP Policy GEN1)**

12.11 Local Plan Policy GEN1 sets out requirements for access to new development and generally states that the surrounding transport network should not be overburdened and that road safety should not be unduly affected, taking into account the needs of those using forms of transport other than motorised vehicles.

12.12 Essex County Council Highways have been consulted and have made no objections to the proposed development on the basis of highway safety subject to the imposition of conditions. The proposal will include the use of the existing access to the site, which passes the side of Holly Hedge. The Supporting Statement makes clear that the intention is to include hard landscaping to mitigate the close relationship of the access and the neighbouring dwelling, this will be included in a further reserved matters application. As such the proposal is not considered contrary to ULP Policy GEN1.

12.13 Local Plan Policy GEN1 also requires that new developments encourage movement by means other than driving a car. It is noted above, in relation to the sustainability of the subject site, that there are facilities within Duddenhoe End that are accessible on foot and bus services to nearby local destinations.

12.14 The proposed dwelling would have sufficient amenity space in accordance with Local Plan Policy GEN2 and as advised by the Essex Design Guide (adopted 2005).

**C Vehicle Parking Standards (ULP Policy GEN8 and UDC Local Residential Parking Standards)**

- 12.15 Local Plan Policy GEN8 only supports development that would provide for vehicle parking places that are appropriate for the location in terms of number, design and layout. The Essex County Council Parking Standards Design and Good Practice (September 2009) and the Uttlesford Local Residential Parking Standards (February 2013) have both been adopted by the Council to provide further guidance.
- 12.16 The maximum minimum number of car parking spaces that would be required for a new dwellinghouse is three. Although this matter would be dealt with in detail at the reserved matters stage, it is clear that the subject site could comfortably accommodate more than this number of spaces for each dwellinghouse.

**D Design (ULP Policies GEN2 and GEN4)**

- 12.17 Local Plan Policy GEN2 sets out general design criteria for new development and in particular requires that development is compatible with the scale, form, layout, appearance and materials of surrounding buildings. The Essex Design Guide (2005) supplements this policy and Paragraph 64 of the NPPF complements it by resisting poor design. Overall it is noted that, although matters relating to design, including appearance, layout and scale, will be assessed at reserved matters stage, there is no reason why the site would not be able to accommodate an appropriately design single dwelling that are consistent with the character of the surrounding pattern of development.
- 12.18 UDC's Landscape Officer has recommended a condition requiring a fully detailed scheme of landscaping to reduce the visual impact of the development. However, given that landscaping would be assessed at reserved matters stage, this is not considered necessary.
- 12.19 Local Plan Policy GEN2 states that new development should provide an environment that meets the reasonable needs of all potential users. The Accessible Homes and Playspace SPD provides further guidance, in particular in relation to the Lifetime Homes standards. Although compliance in respect of this issue will be assessed at reserved matters stage, it is noted that there is no reason to believe that this could not be achieved.
- 12.20 In relation to garden space, it is noted that the subject site is sufficiently large to allow for the provision of two gardens well in excess of the 100sqm standard set out in The Essex Design Guide for dwellinghouses with three or more bedrooms.
- 12.21 Local Plan Policy GEN2 requires that development does not cause an unacceptable loss of privacy, loss of daylight, overbearing impact or overshadowing to neighbouring residential properties. Although this matter would be assessed at the reserved matters stage, given the size of the site and the position of neighbouring dwellinghouses in relation to the subject site, it is considered that the subject site could very comfortably accommodate two dwellinghouses without an unacceptable impact on the amenity values of neighbouring residential properties.
- 12.22 Local plan Policy GEN4 states development will not be permitted if the noise from the development would cause a material disturbance or nuisance to occupiers of

surrounding properties. The access to the site being considered in this application will serve two dwellings, the access already has existing permission to serve one dwelling, the net increase of a single dwelling is not considered to be of a significant increase that will cause a material harmful impact to neighbouring properties.

## **E Nature Conservation (ULP Policy GEN7 and ENV8)**

- 12.23 Local Plan Policy GEN7 does not permit development that would have a harmful effect on wildlife. Local Plan Policy ENV8 provides further protection for landscape elements of importance for nature conservation.
- 12.24 A Preliminary Ecology Appraisal was submitted with the previously approved planning applications, the conclusion from this remains that no protected or important species or habitats would be directly affected by the proposed development. It is stated that there could be an indirect impact on nesting birds and bats utilising the boundary habitats; however, it is concluded that these impacts could be mitigated through design measures and landscaping. ECC's Ecological Consultant acknowledges the conclusions of the submitted Preliminary Ecology Appraisal and makes no objections.
- 12.25 On this basis, it is considered that there would be no undue harmful impact on wildlife and the natural environment. This would be subject to layout and landscaping, which would be assessed at reserved matters stage and are capable of being acceptable. As discussed above in relation to landscaping, a condition is not considered necessary.

## **F Financial Contribution (ULP Policy H9)**

- 12.26 Local Plan Policy H9 seeks an element of affordable housing on a site by site basis. The Council's Developer Contributions Guidance Document (2015) seeks a financial contribution towards affordable housing on sites of two to four dwellinghouses. However, given the advice in Planning Practice Guidance (paragraph reference ID: 23b-031-20160519), which states that contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build development, it is not considered that a financial contribution would be required. This is because the proposal qualifies as a small scale development of 10-units or less, which is unlikely to have a combined maximum gross floorspace of more than 1,000 square metres, and there are no other material circumstances that indicate that it would be justifiable to seek a contribution.

## **G Contamination (ULP Policy ENV14)**

- 12.27 ULP Policy ENV14 states before development, where a site is strongly suspected of being contaminated an assessment and remediation will be required. The site has been investigated for foul and surface water drainage, as such the council's environmental health specialist advise this could this problem remains and therefore a condition is recommended for the submission of foul and surface water drainage details prior to implementation of the development.

## **13 CONCLUSION**

- 13.1 Taking into consideration the extant planning permissions linked to this and neighbouring sites, representations and evaluation of the relevant planning issues,

the proposed development is an appropriate form of development, subject the imposition of conditions and the submission of acceptable reserved matters. The proposal is in accordance with Uttlesford Local Plan (2005) and the NPPF.

## **RECOMMENDATION – APPROVAL WITH CONDITIONS**

### **Conditions**

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

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

3. The dwellings hereby permitted must be built in accordance with Optional Requirement M4(2) (Accessible and adaptable dwellings) 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 SPD on Accessible Homes and Playspace.

4. Prior to commencement of development hereby permitted a scheme to provide satisfactory foul and surface water drainage, and to avoid adverse impacts on the drainage of existing properties, shall be submitted to and approved by the local planning authority; all works which form part of the scheme shall be completed before any part of the development is occupied.

REASON: To ensure the foul drainage and surface water from has sufficient and appropriate dispersion from the site and will not result in contamination, in accordance with ULP Policy ENV14

5. Prior to the commencement of the development hereby approved details of loading/unloading, storage of materials and manoeuvring of vehicles within the curtilage of the site, 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: This pre-commencement condition is required to ensure there is a sufficient scheme for the appropriate loading/unloading facilities are available so that the highway is not obstructed during the construction period in the interest of highway safety, in accordance with ULP Policy GEN1

6. There should be no obstruction above 600mm within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided and approved in writing by the Local Planning Authority prior to the access is first used by vehicular traffic and retained free of any obstruction above 600mm at all times.

REASON: To provide adequate inter-visibility between the pedestrian and users of access and the existing public highway for the safety and convenience of the users of the highway and access having regard safety, in accordance with ULP Policy GEN1.

7. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety and in accordance with ULP Policy GEN1.

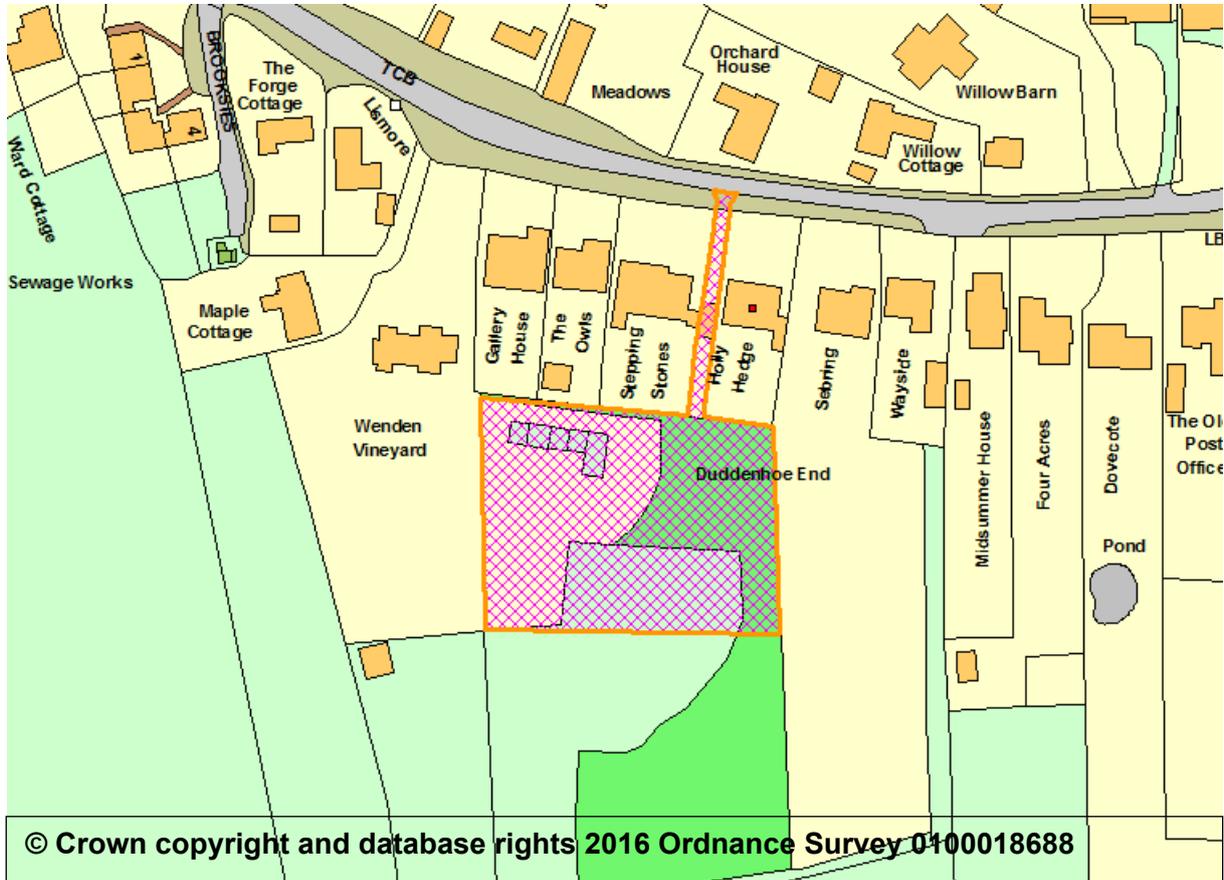
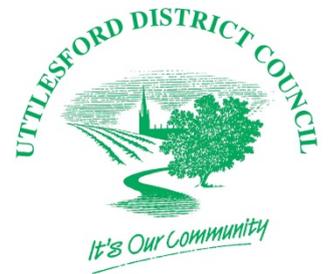
#### **Informative**

The applicant is reminded that, under the Wildlife & Countryside Act 1981 as amended (section 1), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Nesting birds are assumed to be present within vegetation on site between the above dates, unless a recent survey has been undertaken by a competent ecologist and has shown it is absolutely certain that birds are not present.

Application: UTT/18/0188/OP

Address: Rear of Holly Hedge, Woodmans Lane, Duddenhoe End



Organisation: Uttlesford District Council  
Department: Planning  
Date: 27 April 2018

## UTT/17/2387/FUL – (HENHAM)

(Call-in request by Cllrs. Lees/LeCount due to impact of development on Conservation Area / adjacent Listed Buildings)

(Report deferred from 11 April 2018 committee meeting for Members site visit)

**PROPOSAL:** Demolition of existing garage and proposed erection of 1 no. dwelling

**LOCATION:** Thatch End, The Row, Starr Road, Henham

**APPLICANT:** Mrs Sue Mott

**AGENT:** Groupwork

**EXPIRY DATE:** 17 October 2017 (Extension of time agreed)

**CASE OFFICER:** Clive Theobald

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### 1. NOTATION

1.1 Outside Development Limits / within Conservation Area / affecting setting of Listed Buildings.

### 2. DESCRIPTION OF SITE

2.1 The site lies on the northern side of The Row at its eastern end close to Starr Road and comprises a partly enclosed laid out level garden plot with low informal frontage boundary wall which fronts onto The Row and which is used ancillary to, but is separated physically from Thatch End (applicant), an attractive thatched and white rendered c.15 Grade II listed cottage which lies directly opposite the site and which fronts onto The Row within a line of similarly attractive Grade II listed cottages (Dolls House and Tuckers Cottage). In contrast, a dilapidated 1960's built shallow pitched double garage block substantially covered in vegetation and which is used by the applicant for domestic storage stands at right angles to the garden plot within the land edged in red at the end of The Row with informal parking used by the applicant existing to the front onto Starr Lane (this additional land falling outside of the application site). A further single garage, under separate ownership pertaining to Dolls House, is physically adjoined to this double garage which flanks onto the beginning of The Row.

2.2 Similar garden plots to these adjacent cottages and also the more defined garden curtilage to a detached dwelling front onto the northern side of The Row along this footpath. A residential property containing another Grade II listed building which fronts onto High Street backs onto the site along its northern boundary.

### 3. PROPOSAL

3.1 This full application relates to the erection of a single storey one bedroomed dwelling within the aforementioned garden plot and the demolition of the existing double garage.

3.2 Whilst the application form describes the proposal as a "New single storey one

bedroomed garden studio”, the applicant has since accepted and confirmed to the Council that the application proposal should be more accurately described as a single bedroomed dwelling and the application is therefore being treated by the Council on this basis in consideration of the planning merits of the proposal. The application originally included reference to the erection of a replacement garage, although this element of the proposal has now been deleted from the scheme following discussions with Officers.

- 3.3 The proposed dwelling would stand at the rear of the site in a recessed area approximately parallel with the site's rear fenced boundary and would have a hipped roof and rectangular plan form with a height to the eaves of 2.1m and height to the ridge of 3.7m and footprint of 10.0m (w) x 3.7m (d) extending to 4.7m depth when a front projecting entrance lobby is included comprising a single bedroom, kitchen/ dining and living area. The dwelling would have a contemporary style and appearance whereby the roof would be externally clad in lead with traditional construction details and the walls clad with a weathered timber rain screen cladding over a cross-laminated timber (CLT) structure with timber-framed windows, adjacent sliding timber shutters and timber framed bi-folding glazed doors. The single bedroom would have two conservation roof lights, with one being positioned on the front roof plane and the other on the rear roof plane.

#### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 The proposal would not be subject to a formal assessment against the EIA regulations, although it is considered that the impacts of the proposed development would not be significant when measured against relevant indicators.

#### **5. APPLICANT'S CASE**

- 5.1 The application is accompanied by a detailed Design and Access Statement incorporating Heritage Statement which informs the proposal, making reference to site constraints and opportunities, a preliminary enquiry made to the Council for a single dwelling on the site, the design rationale behind the revised dwelling scheme whereby it is stated that the design has been influenced by local building grain and organic growth in the village adapting to changing occupational needs, including the introduction of older and more recent “stand-alone” building plots, subsequent further informal advice received from the Council's Conservation Officer and the design response resulting from this, the overall sustainability of the project, including reference to sustainable construction and inclusion of accessible homes measures, and also relevant planning policies having regard in particular to listed buildings and conservation area protection.

#### **6. RELEVANT SITE HISTORY**

- 6.1 A preliminary enquiry was submitted to the Council in 2016 seeking advice as to whether the principle of a small single storey one bedroomed studio dwelling at the site, involving the demolition of the visually detracting garage would be acceptable. The Council informed the applicant's agent that the principle of a separate dwelling could be acceptable subject to all other planning issues being addressed, but that the design of the dwelling submitted for informal comment was not. The summarised points of the Council's informal response were as follows:

- The removal of the existing run-down garage with a replacement would represent a visual enhancement to the visual amenities of the area.
- A large singular building would close the gap in front of Thatch End which would

- cause harm to the setting of the listed buildings in The Row.
- Any proposed building should be of smaller scale and located as close to the boundary as possible separate from the garage.
- A greater emphasis on landscaping should be considered within the proposal to include a green barrier between Thatch End and the new building.
- A more contemporary design with a different roof form would help to reduce the scale and massing of the dwelling and therefore reduce the impact of the development on the surrounding area.

- 6.2 A subsequent planning application for the demolition of the existing garage and erection of a single storey “studio” dwelling with separate one bedroomed detached annexe with provision of 2 no. frontage parking spaces was submitted to the Council in 2017. This application was later withdrawn when Officers advised that the application was likely to be refused due to (1) a lack of clarity in the way in which the development had been architecturally articulated resulting in Officers being unable to properly interpret and appraise the scheme in terms of the impacts it would have on the character and appearance of the conservation area and setting of adjacent listed buildings where misinterpretation could occur, (2) as the extent of built form shown involving two building elements would be excessive for the size of the development plot and (3) following neighbour and Councillor concerns regarding the scheme (UTT/17/0426/FUL).
- 6.3 Following the withdrawal of application UTT/17/0426/FUL, an illustrative sketch drawing highlighting the suggested site positioning, massing and detailing of a more acceptable small dwelling scheme at the site was provided by the Council's Conservation Officer to the applicant's agent for consideration of a revised planning application. That drawing forms the basis for the current revised application.

## **7. POLICIES**

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

- 7.1 ULP Policy S7 – The Countryside  
 ULP Policy H4 – Backland Development  
 ULP Policy ENV1 – Design of development within Conservation Areas  
 ULP Policy ENV2 – Development affecting Listed Buildings  
 ULP Policy GEN1 – Access  
 ULP Policy GEN2 – Design  
 ULP Policy GEN3 – Flood Protection  
 ULP Policy GEN4 – Good Neighbourliness  
 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 NPPF

### **Other Material Considerations**

- 7.4 Essex Design Guide  
 ECC Parking Standards – Design & Best Practice (Sept 2009)

## 8. PARISH COUNCIL COMMENTS

8.1 A detailed letter of representation objecting to the application has been submitted by Gardner Planning on behalf of Henham Parish Council. The letter of representation received concludes as follows;

- The proposal is contrary to policies of the Development Plan.
- The proposal is contrary to the advice of the Council's Conservation Officer.
- The proposal has serious flaws in terms of accuracy, legality and implementation.

8.2 Further objection letter received by Geoff Gardner Planning on behalf of Henham Parish Council dated 5 April 2018 in response to revised drawings received (deletion of garage). The letter raises what are considered to be procedural abnormalities concerning the plans re-consultation process and reference to a lack of public engagement in the preliminary enquiry process for the proposal. Issues also raised relating to heritage assessment and parking and the inability for the applicant to be able to receive consent from the Parish Council to create a new access point for the hardstanding parking as the land in front of the site in Starr Lane is held within the control of the parish council whereby *"The relevance of this to the planning application is that even if permission is granted, it would be incapable of implementation in the form applied for"*.

8.3 The letter concludes as follows:

- there is no written record (apart from a note of 5 October 2017) that the Conservation Officer has seen and approved the latest plans;
- the Conservation Officer has not addressed the test of the Development Plan policies that the proposal must preserve or enhance the character of the Conservation Area;
- the design is alien to the character of the Conservation Area, with a partial flat roof and with both front and rear wall being mainly bi-fold doors (and the elevations submitted are inaccurate);
- there is no vehicular access to the parking spaces;
- the development is contrary to the policies of the Development Plan (the Adopted Local Plan 2005): *Policy ENV1 – Design of Development within Conservation Areas & Development Policy GEN8 – Vehicle Parking Standards*;
- The development is also contrary to the policies of the emerging Local Plan (Draft July 2017) including: *Policy D1: High Quality Design, Policy EN1 – Protecting the Historic Environment, Policy EN2 - Design of Development within Conservation Areas*

## 9. CONSULTATIONS

### ECC Ecology

9.1 No objections:

The proposal is limited in scale/scope and is unlikely to impact designated sites, protected/priority species or priority habitats.

An informative is recommended to safeguard nesting birds.

## UDC Conservation Officer

9.2 This proposal follows a previously resisted scheme and aims at the formation of a new dwelling serving as an annex to the nearby listed cottage, Thatch End. Thatch End is a timber-framed and plastered cottage of C15 origins which together with 4 other listed buildings face The Row and are accessed by a narrow pedestrian only entrance. The Row is within the core of Henham Conservation Area and its character is defined by mostly single storey thatched modest dwellings which face open areas of gardens on the other side of The Row. It could be said that these gardens form a green buffer between The Row and the buildings along the High Street.

The applicant has been advised that a very modest single storey outbuilding of some 10 metres by 3.5 metres footprint consisting of two good rooms and a bathroom all of traditional design could be considered not out of the question. The revised plans, however, indicate a much larger building which appears to have some 10 metres by 5 metres floor plan. The design of the new structure would be of less traditional character, but on balance I find this modernistic approach quite interesting especially that the proposed materials would still connect well with traditional finishing's. However, the footprint of the new range would have to be reduced to the one previously indicated and the vertical height would have to be single storey meaning the eaves of the roof would have to run on top of the ground floor windows.

Although the removal of the unsightly garage would certainly enhance the character of the conservation area, I am concerned that the suggested what appears to be a storey and a half garage would dominate the locality and may undermine the primacy of the heritage assets nearby. In addition, the formation of such a substantial garage range attached to the semi dilapidated remaining part of the present garage would more than likely be technically difficult and may lead to a neighbourly dispute.

Clearly, the most neighbourly and most productive way to deal with this situation is to reach a friendly agreement and rebuild both garages at the same time. Any such new structure would be single storey, finished in horizontal feather-edged black painted timber boarding and have say a 40 degree natural slate or lead roof with gable end facing The Row. Such an outbuilding would clearly be utilitarian and would respond well to the rural vernacular. Although it would be exciting to have somewhere in the district more examples by award winning architects, I am not convinced that this humble site is likely to do it justice. In conclusion I suggest further negotiations leading to overcoming all my concerns.

(Revised UDC Conservation Officer comments dated 10 April 2018 following receipt of revised drawings):

9.3 The following comments relate to a revised scheme consisting of a single storey small residential unit with steeply pitched roof. Following further negotiations, the proportions of the dwelling have been reduced and the dwelling relocated further away from the row of thatched cottages. Also, the excessively large new garage has been omitted.

In conclusion and on balance, I feel that the formation of this diminutive structure would follow the established pattern of the quite tightly knit residential area, whilst the removal of most of the unsightly range of garages would improve the setting of

the listed buildings in the vicinity and the character of the conservation area. Consequently, should there be no planning objections, I suggest approval subject to the following conditions.

- Any new boundary treatment to be approved.
- All external materials to be approved.

## 10. REPRESENTATIONS

10.1 Neighbour notification period expires 20 September 2017. Advertisement expired 28 September 2017. Site Notice expires 3 October 2017.

25 neighbour representations received (object).

10.2 In general, the neighbour objections received relate primarily to the principle of the residential development of this small garden plot within the heart of Henham Conservation Area for a new dwelling and the detrimental impacts which the development would have upon its special character, appearance and ambience and also on the setting of adjacent listed buildings within it given the tight building grain and relationships which currently exist between buildings and spaces and the high quality aesthetic which exists for The Row. It is also stated that the contemporary, almost utilitarian style of the new dwelling would not be appropriate within the site's setting along The Row which is "the Jewel in the Crown of Henham" which would be irrevocably changed and that the proposed replacement garage would be too dominant a feature at the beginning of The Row to be acceptable.

Further objections received can be summarised as follows:

- 10.3
- Inaccuracies in the submitted drawings and not being legible.
  - Is this a studio "retreat" for the applicant or tantamount to being a new dwelling. This is not clear and needs clarifying.
  - The applicant's requirements could be more simply addressed by an extension to Thatch End if this is a domestic type proposal.
  - The project has no logical basis other than potential financial profit.
  - The need for the new dwelling if this is what it is, is questioned and would cause an undesirable precedent within the conservation area.
  - Cramped form of development.
  - Would increase housing density along The Row.
  - Insufficient parking arrangements.
  - Demolition of the existing garage would be physically impossible without destroying the adjacent garage owned by another person.
  - Impact on residential amenity (loss of privacy, erosion of outlook).
  - The development would be distracting to visitors/tourists visiting Henham.
  - Concerned about safety of school children using The Row as a footpath during construction works.
  - Burden on existing utilities.
  - Applicant does not own land to the side of the site onto Starr Lane (Parish Council land)

10.4 The applicant's agent has responded to the various representations received in the form of a rebuttal appendix to the application following submission.

(Neighbour comments on revised drawings omitting replacement garage from the originally submitted scheme - neighbour notification period expires 6 April 2018):

15 further representations received (object):

The third party comments received on the revised plans are essentially those as received for the original plans submission as cited above with the additional comments that the revisions are not considered to be major and “do not change anything”.

## 11. APPRAISAL

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

- A Whether the proposal would amount to a presumption in favour of sustainable development in terms of location (NPPF, GEN3, S7 and H4);
- B Principle of residential development having regard to heritage protection (NPPF and ULP Policies ENV1 and ENV2);
- C Access (ULP Policy GEN1);
- D Design (ULP Policy GEN2 and SPD “Accessible Homes and Playspace”);
- E Parking Standards (ULP Policy GEN8);
- F Impact upon residential amenity (ULP Policy GEN2);
- G Impact upon protected species (ULP Policy GEN7).

### **A Whether the proposal would amount to a presumption in favour of sustainable development in terms of location (NPPF, GEN3, S7 and H4)**

- 11.1 The NPPF has a presumption in favour of sustainable development whereby planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF states that there are three strands to sustainable development; economic, social and environmental and that these strands should not be undertaken in isolation because they are mutually dependent.
- 11.2 Paragraph 49 of the NPPF states that “*Housing applications should be considered in the context of the presumption in favour of sustainable development*”, adding that “*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 55 states that housing should be located where it will enhance or maintain the vitality of rural communities if it is to promote sustainable development in rural areas, for example “*where there are groups of smaller settlements, development in one village may support services in a village nearby*”, and that LPA's should avoid new isolated homes in the countryside unless there are special circumstances. Paragraph 14 states that permission should be granted unless “*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole*”. This paragraph for the purposes of the current application should also be read in the context of the extent of harm that a proposal may have on the heritage value of an area, which is discussed further on in this report.
- 11.3 The site lies outside development limits for Henham and ULP Policy S7 of the adopted local plan applies which seeks to protect the countryside for its own sake. However, the site should be more properly viewed in the context of its physical location within a nucleus of residential properties which make up part of the western side of Henham village within the heart of the Henham Conservation Area which is bordered on its north-east and south-west sides by more defined and modern residential development which together make up the two separate defined village

envelopes for Henham. As such, the site does not read as countryside and it can be argued that the proposal site represents a form of residential infilling where ULP Policy H3 of the adopted plan states at paragraph 6.14 that “There is no specific policy on infilling outside development limits because any infill proposals will be considered in the context of Policy S7...However, if there are opportunities for sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements these will be acceptable if development would be in character with the surroundings and have limited impact on the countryside in the context of existing development”.

- 11.4 It is a moot point perhaps as to whether the proposal would represent infilling in the truest sense of the word for the purposes of planning definition. However, that said, the site is bordered by dwellings to both the front and rear and to the immediate west and with a further dwelling lying on the east side of Starr Lane beyond the existing garage on the site and the development must therefore be said to represent a form of infilling if taken in this physical context, although clearly whether the proposal would represent sensitive infilling must be viewed principally in the context of heritage protection in this particular instance.
- 11.5 Consideration has been given as to whether the proposal could be described as backland development and whether in this context it constitutes “a parcel of land that does not have a road frontage” (wording reference to ULP Policy H4). However, the proposal site as identified edged in red does and would continue to have a road frontage, namely vehicular access onto Starr Road, albeit that this access is and would continue to be gained from the side of the site rather than from The Row footpath frontage. However, the site does have some characteristics of backland development and due consideration has to be given as to the impacts that the proposed development could have on residential amenity.
- 11.6 In terms of location, the site is located within the centre of the village whereby it is within easy walking distance to village services and local amenities. Therefore, in terms of assessment against the social and economic strands of the NPPF the proposal would amount to a presumption in favour of sustainable development with regard to accessibility and these strands are met. In terms of assessment against ULP Policy S7, this local policy has been found by the Ann Skippers Review to be only partially compatible with the NPPF, which seeks to direct new housing to areas which would be sustainable. However, the overall environmental sustainability of the proposal is assessed below against the NPPF and ULP Policies ENV1 and ENV2. The site is located within Flood Zone 1 as shown on the government’s flood risk map which represents the lowest risk of flooding. Therefore, it is not likely that the proposed development would be at significant risk of flooding and no objections are raised under ULP Policy GEN3.

**B Principle of residential development having regard to heritage protection (NPPF and ULP Policies ENV1 and ENV2)**

- 11.7 The Planning (Listed Buildings and Conservation Area) Act 1990 imposes duties requiring that special regard be had to the desirability firstly in section 16(2) of preserving a listed building or its setting or any features of special architectural or historic interest. Paragraph 133 of the NPPF states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the

significance of a designated heritage asset that this harm should be weighed against the public benefits of the proposal, including its optimum viable use.

11.8 ULP Policy ENV1 – Design of Development in Conservation Areas - states that;

‘Development will be permitted where it preserves or enhances the character and appearance of the essential features of a Conservation Area, including plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain or significant natural or heritage features. Outline applications will not be considered. Development involving the demolition of a structure which positively contributes to the character and appearance of the area will not be permitted’.

ULP Policy ENV 2 – Development affecting listed buildings states that;

‘Development affecting a listed building should be in keeping with its scale, character and surroundings. Demolition of a listed building, or development proposals that adversely affect the setting, and alterations that impair the special characteristics of a listed building will not be permitted. In cases where planning permission might not normally be granted for the conversion of listed buildings to alternative uses, favourable consideration may be accorded to schemes which incorporate works that represent the most practical way of preserving the building and its architectural and historic characteristics and its setting’.

11.9 The application proposal submitted has been assessed both against the statutory provisions relating to heritage protection and also against the policy advice contained within the NPPF and ULP Policies ENV1 and ENV2 of the adopted local plan. The Council has also had due regard to the Henham Conservation Area Appraisal and Management Proposals document 2012 whereby the relevant sections of the appraisal document insofar as they relate to the proposal site are as follows:

*Part 1: Appraisal*

*Area 2 - Crow Street, The Row and High Street*

1.101 Linking both High Street and Crow Street is the diminutive passageway known as The Row. Its narrowness means that pedestrian access only is possible which helps to maintain the atmosphere of a well-kept secret. Here, the buildings are all low mostly one and a half storey constructions with oversailing reaching out over the path, or set back in pretty cottage-style gardens.

1.107 The further area of The Row is very different in scale and function. A pedestrian thoroughfare, the buildings are low and tightly clustered. The Old Post Office, Tuckers Cottage, Doll’s Cottage, Thatch End and Ship Cottage are characterised by their thatched roofs pierced by narrow dormers and with eaves extending almost to the ground floor windows, low doors, small windows and sections of over-sailing supported on decorative brackets. Most date from the 17th – 18th century, though Thatch end has its origins in a 15th century hall house. Together they form an almost unbroken run linking Crow Street with the High Street. At the High Street end are to be found Apple Cottage and Starr Cottage. The latter was formerly the Star and Garter Inn, a 17th century timber-framed and plastered single-storey building with attics, the thatch pierced by two dormers and a central chimney stack. In more recent years this was associated with the now defunct Starr Garage. All are Grade II listed and form a most pleasing group with a continuity of shape, scale and form that is quite appropriate to their setting.

### *Important views*

1.123 By contrast, the view up The Row is much more enclosed, presenting a pleasingly varied juxtaposition of built styles, materials and shapes where low hedges, trees and thatched roofs combine to preserve an atmosphere of gentle rurality.

### *Overall Summary*

1.146 There are very few remaining infill plots for development but where such development does occur, it must be sensitive and respect the character of the conservation area in that particular location.

- 11.10 The Council's Conservation Officer has appraised the submitted proposal where her consultation comments are provided within this report (original and updated). Her comments reflect pre-application advice resulting from the withdrawal of application UTT/17/0426/FUL for a single "studio" dwelling scheme at the site which itself resulted from an initial preliminary enquiry made to the Council in 2016. The siting and building form of the proposed building shown for the latest revised drawings reflects closely the pre-application advice given to the applicant's agent after the withdrawal of UTT/17/0426/FUL whereby the building as now presented has been positioned onto the rear boundary of the site in a recessed area and the footprint of the building has been reduced subsequent to application submission through a revised drawing whereupon the main footprint dimensions, excluding the front entrance lobby, have been reduced from 10m x 5m, which were considered too excessive by the Council, to 10m x 3.7m which read closely to the 10m x 3.5m dimensions as suggested and advised in the Conservation Officer's pre-application advice and where the eaves line of the roof of the building are now shown to run along on top of the ground floor windows. The design of the new structure as shown would be of less traditional character, although the Conservation Officer states in her original consultation comments that *"on balance, I find this modernistic approach quite interesting, especially that the proposed materials would connect well with traditional finishing's"*.
- 11.11 The Conservation Officer has commented that the demolition of the existing dilapidated garage would enhance the character of the conservation area, albeit that it has a low and non-offending roof profile within the streetscene. She has remarked, however, that the replacement garage as originally proposed for the application at the ridge height shown (5.4m) would *"dominate the locality and may undermine the primacy of the heritage assets nearby"* notwithstanding that the garage would have had a traditional steep pitched roof with lead covering. The design of the garage was subsequently revised following the Conservation Officer's comments so that it showed a pitched roof rather than a hipped roof. However, after taking into account the general comments concerning the height of the garage, this element of the submitted scheme has now been removed.
- 11.12 The Conservation Officer concludes in her original consultation comments that *"Although it would be exciting to have somewhere in the district of more examples by award winning architects, I am not convinced that this humble site is likely to do it justice. In conclusion I suggest further negotiations leading to overcoming all my concerns"*. The applicant's agent has subsequently responded to these concerns during the application process, namely that the new studio dwelling has been reduced in footprint and incorporates a low eaves line and the garage has been removed from the scheme as previously mentioned. Following these changes, the

Conservation Officer has subsequently confirmed in her revised consultation response dated 10 April 2018 relating to the revised drawings omitting the garage that she can support the scheme providing that all other planning considerations are met and subject to appropriate conservation conditions being applied.

- 11.13 Given this heritage assessment following the revisions made to the submitted proposal scheme, it is considered that this small single storey dwelling development would preserve the character and appearance of the conservation area and would lead to less than substantial harm to the significance of the adjacent designated heritage assets subject to appropriate conditions being imposed. On this basis, it is considered that the development would not be contrary to ULP Policies ENV1 and ENV2 and would not be contrary to the provisions of the NPPF in terms of heritage protection and would thus accord with the wider environmental strand of the NPPF whereby the principle of the development is considered acceptable under these policy provisions.

**C Access (ULP Policy GEN1)**

- 11.14 The site is presently accessed from Starr Lane, which is a quiet lane leading off High Street which stops at The Row outside the site. ECC Highways have been consulted on the proposal who have not offered any formal comments regarding access given the unclassified nature of Starr Lane and where in any event no actual physical access would be created for the proposed dwelling as the development would utilise a new parking space/spaces to be created on the footprint of the garage to be demolished whereby vehicles would simply pull off the site onto a private corner triangle at the bottom of Starr Lane and onto the lane itself. No highway objections are therefore raised under ULP Policy GEN1.

**D Design (ULP Policy GEN2 and SPD “Accessible Homes and Playspace”)**

- 11.15 Due consideration has to be given to private amenity standards for new dwellings where paragraph 17 of the NPPF states that it is one of the core principles of the framework that new housing should provide a good standard of amenity for all future occupants. The site fronts onto The Row and is enclosed to the rear boundary by 1.8m high close-boarded fencing with trellising, to the west flank boundary by vegetation onto an adjacent rear lawned garden of the adjacent dwelling and to the east flank boundary onto Starr Lane by the existing garage, although this is proposed to be removed as part of the dwelling proposal. The site itself has a boundary curtilage of approximately 200sqm, although as a proposed single bedroomed dwelling unit the development would only require a 25sqm private sitting out area as part of the new wider residential curtilage in accordance with amenity design principles set out in the Essex Design Guide.
- 11.16 The latest revised proposal drawing (246-505-G dated 21 March 2018) shows that a private sitting out area of 45sqm would be able to be achieved and provided in the north-east corner of the site, which would be visually protected, whilst the remainder of the curtilage pertaining to the new dwelling would be subject to proposed new boundary planting to make the site more private to The Row and also to help screen and soften the development as recommended by the Council's Conservation Officer. The dwelling would be single storey in nature positioned on level ground and it is intended that the dwelling would be built to accessible standards. This requirement can be conditioned.
- 11.17 It is considered from this that the proposal would accord with paragraph 17 of the NPPF and would comply with ULP Policy GEN2 relating to design.

**E Parking Standards (ULP Policy GEN8)**

- 11.18 The new dwelling would be served by a single parking space to be formed on the area of level ground within and to the side of the site which would become available for resident parking by the proposed demolition of the existing garage, whilst an additional parking space is proposed to be created parallel to this space for the private benefit of the applicant who lives at Thatch End and who it is understood currently parks her vehicle on the informal triangle of private land in front of the garage which it is further understood is not land within the applicant's ownership or control, but on Parish Council land.
- 11.19 A one bedroomed dwelling unit requires a single parking space under ECC/UDC adopted parking standards. The provision of the single parking space for the new dwelling as shown would mean that the proposal would comply with these minimum standards whereby the space would be convenient to the entrance to the dwelling. An additional parking space is shown to be provided which could serve either as visitor parking to the site or for the applicant's private use, although the latter benefit is not itself a material planning consideration. No parking objections are therefore raised to the proposal under ULP Policy GEN8.

**F Impact on residential amenity (ULP Policy GEN2)**

- 11.20 The proposed dwelling would be single storey in nature and would have the outward appearance of a large incidental garden building by intended design. Given this, there would not be any loss of privacy by way of overlooking or overbearing effect. The property to the rear of the site would be protected by existing 1.8m high close-boarded fencing, whilst planting or other measures sensitive to the site's setting could be introduced along the west flank boundary of the site to protect the residential amenities of the adjacent property where this issue has been raised in representation. The front of the dwelling would look out onto The Row which is overlooked by the listed 1½ storey frontage cottages along it. In the circumstances, it is considered that the development would not have a materially adverse effect on the reasonable occupation and enjoyment of adjacent residential properties and no amenity objections are raised under ULP Policy GEN2.

**G Impact upon protected species (ULP Policy GEN7)**

- 11.21 The site comprises a laid out informal garden plot, whilst the proposed garage to be demolished is a 1960's built structure which has fallen into disrepair and has considerable vegetation on it. Consideration therefore has to be given as to whether the development would result in harm to any protected/priority species. An ecology report accompanying the application (t4 ecology Ltd, March 2017) states that neither the garden nor the garage contains any natural habitats conducive to use by protected species, namely bats, reptiles, GCN's or badgers nor that any evidence of these species were found at the site. Furthermore, the report advises that the site comprises a maintained residential curtilage surrounded by identical such land uses whereby the site does not provide, nor have connectivity to, potentially suitable off-site habitat. Given the survey findings, the report advises that no further species surveys are required and the proposed development would not be harmful to protected or priority species, although recommends an informative relating to nesting birds given that the garage, associated ivy and the garden may provide some nesting habit.
- 11.22 ECC Ecology have been consulted on the application who have advised that the

proposal is limited in scale and scope and is unlikely to impact designated sites, protected/priority species or priority habitats and have not raised any ecology objections in light of the survey findings. No objections are therefore raised under ULP Policy GEN7.

## **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 in terms of location when assessed against sustainable objectives (economic and social strands of the NPPF).
- B** The development would preserve the character and appearance of the conservation area and would lead to less than substantial harm to the significance of the adjacent designated heritage assets and would meet the environmental strand of the NPPF.
- C** There would be no material change in present access arrangements.
- D** Living standards for the occupants of the new dwelling would be met.
- E** Parking standards would be met.
- F** Impacts on adjacent residential amenity would not be significant.
- G** There would be no impact on protected/priority species.

## **RECOMMENDATION – APPROVAL WITH CONDITIONS**

### **Conditions**

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

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

2. Prior to the commencement of development 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
  - b) means of enclosure, including details of how the site's west flank boundary would be screened and also details of the provision of a screened private sitting-out area for the occupants of the new dwelling for the north-east corner of the site
  - c) car parking layout
  - d) vehicle and pedestrian access and circulation areas
  - e) hard surfacing, other hard landscape features and materials
  - f) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
  - g) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
  - h) details of siting and timing of all construction activities to avoid harm to all nature conservation features
  - i) location of service runs
  - j) 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 and ENV3 of the Uttlesford Local Plan (adopted 2005).

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

- 3 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 and ENV3 of the Uttlesford Local Plan (adopted 2005).

- 4 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 and heritage protection in accordance with ULP Policies GEN2, ENV1 and ENV2 of the Uttlesford Local Plan (adopted 2005).

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

- 5 All rooflights shall be of a conservation range.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity and heritage protection in accordance with ULP Policies GEN2, ENV1 and ENV2 of the Uttlesford Local Plan (adopted 2005).

- 6 Prior to the approved dwelling coming into first use, the two parking spaces for the development as shown on drawing 246-505 G dated 21 March 2017 shall be laid out and properly hardened and surfaced for their intended purpose and shall thereafter be retained for parking for the site and shall not be used for any other purpose(s) without the written consent of the local planning authority having first been obtained.

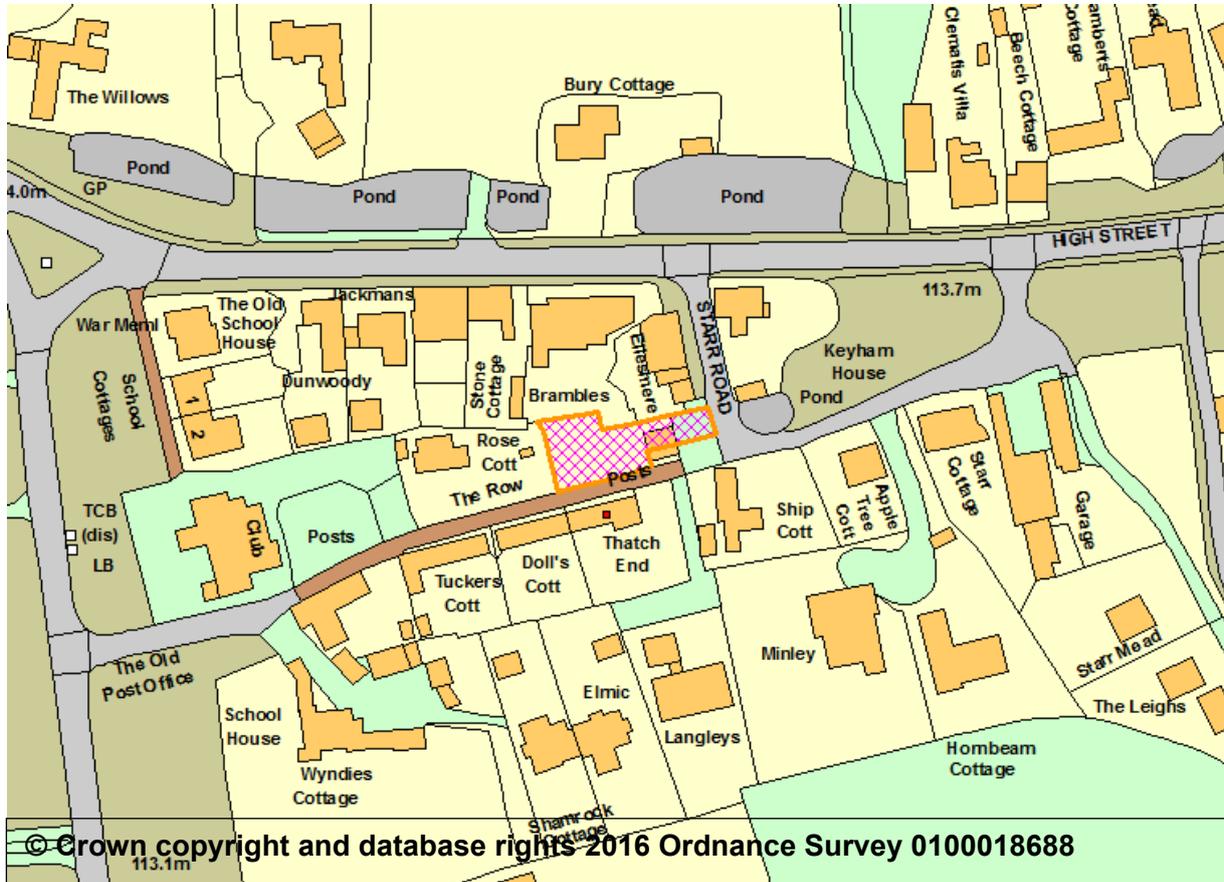
REASON: To ensure that an appropriate provision of on-plot parking is afforded to the development and to avoid on-street parking in accordance with ULP Policy GEN8 of the Uttlesford Local Plan (adopted 2005).

- 7 The dwelling 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 Council's SPD "Accessible Homes and Playspace".

Application: UTT/17/2387/FUL

Address: Thatch End, The Row, Starr Road, Henham



Organisation:	Uttlesford District Council
Department:	Planning
Date:	27 April 2018

## UTT/17/3663/LB – (SAFFRON WALDEN)

- Referred to Committee by Cllr Lodge. Reason: Potential overdevelopment.
- Deferred from Planning Committee on 14/02/2018 to receive views of Conservation Officer.
- Deferred from Planning Committee on 14/03/2018 at the request of the applicant, in order to allow amendments to be made.

**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:**   **12 May 2018**

**CASE OFFICER:** **Luke Mills**

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### **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 Planning permission was granted for the scheme in February 2018 (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.”

8.3 Update following submission of revised details on 16 & 19 March:

“I consider the following minor changes to plot 6 and 7 would not diminish the special architectural and historic interest of the heritage asset and are acceptable.

- Existing access ramp in front of plot 7 is to be retained.
- Plot 7- C20 fireplace surround and mantel removed.
- Plot 6 - revised partitions in family room and utility room and insertion of additional door.  
Bed 1 - new doorway  
Bed 2 - formation of en suite”

## 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 black-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**

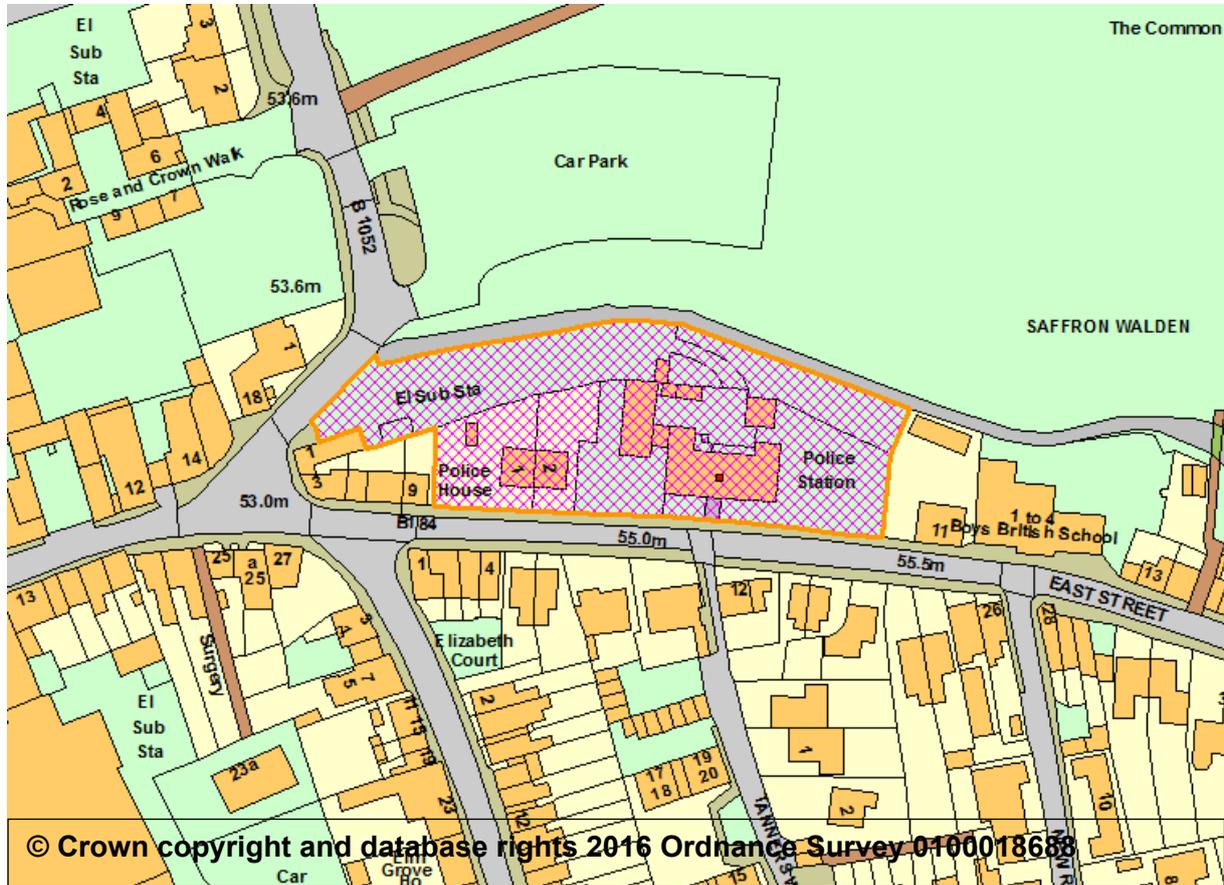
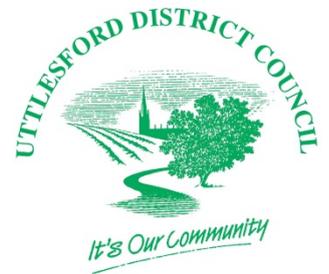
### **Conditions**

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: 27 April 2018

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