



Uttlesford District Council

Chief Executive: Dawn French

Planning Committee

Date: Wednesday, 4th July, 2018

Time: 2.00 pm

Venue: Council Chamber - Council Offices, London Road, Saffron Walden, CB11 4ER

Chairman: Councillor A Mills

Members: Councillors R Chambers, P Fairhurst, R Freeman, E Hicks, M Lemon, J Lodge, J Loughlin (Vice-Chair), H Ryles and L Wells

Substitutes: Councillors T Farthing, A Gerard, G LeCount, J Redfern and G Sell

Public Speaking

At the start of each agenda item there will be an opportunity for members of the public to ask questions and make statements subject to having given notice by 2pm on the day before the meeting. Please refer to further information overleaf.

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 - 8

To consider the minutes of the previous meeting.

3 UTT/18/0527/OP - Land to the South of School Lane, Molehill Green, Takeley

9 - 18

To consider application UTT/18/0527/OP.

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| 4 | UTT/18/0834/FUL - Charlotte's Meadow, Land to the North West of Whiteditch Lane, Newport | 19 - 30 |
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To consider application UTT/18/0834/FUL.

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| 5 | UTT/18/0741/FUL - Jojacks Farm, Wicken Road, Clavering | 31 - 34 |
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To consider application UTT/18/0741/FUL.

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| 6 | Petition regarding UTT/18/0460/FUL | 35 - 38 |
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To consider the report on the petition regarding UTT/18/0460/FUL.

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PLANNING COMMITTEE held in the COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 6 JUNE 2018 at 2.00 pm

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

Officers in attendance: N Brown (Development Manager), B Ferguson (Democratic Services Officer), P McEvoy (Temporary Planning Officer),
M Shoesmith (Development Management Team Leader),
E Smith (Solicitor) and C Theobald (Planning Officer)

Also present: David Adams, Mark Bulling, Jeremy Fulcher, Viv Smith and Paula Uragallo.

PC1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies were received from Councillor Ryles.

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

PC2 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 9 May 2018 were approved and signed by the Chairman as a correct record.

PC3 UTT/17/2607/OP - LAND TO THE SOUTH OF B1256 LITTLE CANFIELD

The proposal was a hybrid application, with the site split into two areas.

Area A was the detailed application for a new Council Depot comprising vehicle workshop, office building, external storage, ground maintenance storage, parking, landscaping, vehicle access and all supporting infrastructure.

Area B was for outline planning permission of employment land comprising business, general industrial and storage and distribution uses with all matters reserved except for access.

Members discussed their concerns regarding the unsuitable location of the site, and the impact the development would have on neighbouring residents.

Councillor Fairhurst proposed to refuse the application. Councillor Loughlin seconded this motion.

RESOLVED to refuse the application for the following reasons:

- 1) The proposed development by reason of its nature and siting within the Countryside is unacceptable to the detriment of its rural natural, the amenity of the surrounding locality, contrary to Policy S7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.
- 2) The proposed development by reason of relationship with adjacent neighbouring Listed Buildings would have an unacceptable impact upon their setting which is not outweighed by public benefit contrary to Policy ENV2 of the Uttlesford Local Plan (adopted 2005) and the NPPF.
- 3) The proposed development by reason of its insufficient buffer to the Flitch Way would result in unacceptable impact upon wildlife and users of the Flitch Way contrary to Policies GEN2, GEN4 and GEN7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.
- 4) The development hereby permitted would increase the pressure on the local infrastructure within the district, as listed within the schedule of Heads of Terms of the report presented to the 6th June 2018 Planning Committee (page 60). In the absence of any legal agreement to address this, the application fails to fully mitigate the impacts of the development contrary to Policy GEN6 of the Uttlesford Local Plan 2005.

David Adams, Paula Uragallo, Mark Bulling and Jeremy Fulcher spoke on this application.

PC4 UTT/17/3751/OP - HFT BRADLEY RESOURCE CENTRE, POUND LANE, UGLEY

The proposal was a hybrid application, which divided the scheme into two developments; an autism facility forming part of the full application and an outline application for 3 dwellings with all matters reserved except access. The 3 market dwellings would be sold to generate funding to enable the development of the autism facility.

In response to a Member question, the Development Manager confirmed that any receipts received from the sale of the 3 market dwellings could only be used to fund the development of the autism facility.

Councillor Fairhurst proposed approval of the application, providing a condition was imposed to retain the lime tree. Councillor Wells seconded this motion.

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

- 2) Notwithstanding the details submitted, 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
- l) details for the retention of the Lime tree located within the car parking area;

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

V Smith spoke on this application.

PC5 UTT/18/0051/LB - HFT BRADLEY RESOURCE CENTRE, POUND LANE, UGLEY

The application was for listed building consent for the part demolition of a curtilage listed wall in order to provide access into the proposed new autism facility.

The Chairman proposed to approve the application. Councillor Lodge seconded this motion.

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

PC6 UTT/18/0527/OP - LAND TO THE SOUTH OF SCHOOL LANE, MOLEHILL GREEN, TAKELEY

The Committee were informed that the application would be deferred until the next meeting.

PC7 UTT/17/3605/FUL - TOWER HOUSE, ST EDMUNDS LANE, GREAT DUNMOW - WITHDRAWN

The Committee were informed that the application had been withdrawn.

PC8 UTT/17/3603/HHF - TOWER HOUSE, ST EDMUNDS LANE, GREAT DUNMOW

The full application proposed the reinstatement of a former vehicular access to Tower House from St Edmunds Lane, with associated driveway works and a turning area.

The Chairman proposed approval of the application. Councillor Wells seconded this motion.

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

PC9 UTT/18/0763/HHF - 25 WEAVERHEAD CLOSE, THAXTED, DUNMOW

The proposal sought planning permission to build a first floor side extension to provide an additional bedroom, with an en-suite and a dressing room.

The Chairman proposed to approve the application. Councillor Wells seconded this motion.

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

The meeting ended at 3.00pm.

UTT/18/0527/OP - (MOLEHILL GREEN, TAKELEY.)

(MINOR)

COMMITTEE REFERRAL REASON: EIGHT HOUSE DEVELOPMENT

PROPOSAL: Outline application with all matters reserved except for access, layout, and scale, for the erection of 4no. pairs of semi-detached dwellings.

LOCATION: Land adjacent to Sunny View, School Lane, Molehill Green.

APPLICANT: Mr D CARR.

AGENT: Mr A F WEAVER.

EXPIRY DATE: 10 June 2018.

CASE OFFICER: Peter McEvoy.

1. NOTATION:

- 1.1 The following planning constraints apply to the application site:
- outside development limits;
 - general aerodrome directions.

2. DESCRIPTION OF SITE:

- 2.1 The application site is outlined in red on the location plan attached to the end of this report. It is located to the east of the centre of Molehill Green, along the southern side of School Lane, a narrow single track road. The site is currently open space on level ground. There are semi-detached properties directly opposite the site (ie to the north), with detached dwellings on either side of the site, and fields to the south.
- 2.2 There are a variety of housing styles and types in the vicinity with no single unifying theme.

3. THE PROPOSAL:

- 3.1 The applicant is requesting outline planning permission for a small development of four pairs of semi-detached two storey houses (ie eight properties in total). Only the principle of development, access, layout and scale are to be considered in the current application, with all other matters reserved (landscaping and appearance) .
- 3.2 As it is only an outline application, the plans at this stage are indicative, but some general observations can still be made:
- each plot would be relatively long and narrow
 - the buildings would be staggered to follow the approximate building line between Blossoms Cottage to the west and Sunny View to the east.
 - the applicant states on his plans that the maximum ridge height would be 7.11m which compares favourably to the 8.0m height of Blossoms Cottage (which is set on slightly higher ground as well); however, it would be in marked contrast to Sunny View which is a bungalow.
 - each dwelling would have two bedrooms and two tandem parking spaces.

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(b) urban development project) however the thresholds are not exceeded that would require the proposed development to be screened. 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. APPLICANTS' CASE:

- 5.1 The applicant has submitted the following documents in support of his proposal:
- ecological assessment.
 - biodiversity checklist.
 - design and access statement.

Where relevant, these documents are discussed below.

6. RELEVANT PLANNING HISTORY

- 6.1 None.

7. POLICIES:

7.1 National Policies:

- National Planning Policy Framework.

7.2 Uttlesford Local Plan (2005):

- Policy S8 – The Countryside Protection Zone..
- Policy GEN1 – Access.
- Policy GEN2 – Design.
- Policy GEN7 – Nature Conservation.
- Policy GEN8 – Vehicle Parking Standards
- Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance
- Policy ENV10 – Noise Sensitive Development and Disturbance from Aircraft.

7.3 Other documents:

- SPD Parking Standards Design & Good Practice September 2009.
- SPD Essex Design Guide.

8. PARISH COUNCIL COMMENTS:

- 8.1 Takeley Parish Council:
- the area is outside development limits and is considered to be in the Countryside Protection Zone.
 - rural nature of the area and the very close proximity of the airport do not support the area as suitable development area.
 - the density of the housing does not appear to match existing and concern

was raised that it was an over development of the site.

9. CONSULTATIONS:

9.1 Essex County Council Place Services (archaeology):

The department recommends an archaeological programme of trial trenching followed by open area excavation.

9.2 Essex County Council Place Services (ecology):

No objection subject to securing biodiversity mitigation and enhancement measures.

9.3 NATS Safeguarding:

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 has no safeguarding objection to the proposal.

9.4 Essex County Council (local highways authority):

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

9.5 Uttlesford District Council environmental health:

No objection subject to noise mitigation measures.

9.6 The following organisations were consulted, but they had not responded at the time this report was prepared.

- Thames Water.
- Affinity Water.

10. REPRESENTATIONS:

10.1 The LPA sent sixteen notification letters and posted a site notice to advertise the proposal. The LPA received two replies:

- the ecology report would be acceptable because the site was totally cleared in the summer of 2015: the ponds were filled, trees felled and the undergrowth and perimeter hedge rows were cut.
- overdevelopment and lack of separation distance.
- lacks any visual interest
- should be a mix of detached and semi detached dwellings
- anecdotal stories of Great Crested Newts at the site before the plot was cleared.

Comments:

10.2 The site clearance is not relevant for the proposal. The Council cannot consider hearsay. Nonetheless a biodiversity checklist would be required to be undertaken as part of the submission and ecology is considered as part of the application. Housing mix and overdevelopment (in terms of scale) are considered in the report. Visual appearance will be assessed in the reserved matters application.

11. APPRAISAL:

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

- A The principle of development (NPPF, Local Plan Policy S8).
- B Scale (Local Plan Policy GEN2).

- C Site biodiversity (NPPF, Local Plan Policy GEN7).
- D Access and parking (Local Plan Policies GEN1 and GEN8, Uttlesford Parking Standards, and Uttlesford Parking Standards).
- E Ancient monuments and sites of archaeological importance (NPPF, Local Plan Policy ENV4).
- F Noise sensitive development (Local Plan Policy ENV10).

A The principle of development:

- 11.1 The Local Plan places the site as within the Countryside Protection Zone (CPZ) and so Policy S8 applies to the proposal. The policy's main priority is to maintain a local belt of countryside around the airport to prevent coalescence between the airport and new development. Planning permission will be granted if the development is required to be in the CPZ or else is appropriate for a rural area, but in both cases, the development must not adversely affect the open characteristics of the zone.
- 11.2 The site's location is some distance from Stansted Airport and so the development would not merge into the Airport's environs. The development would obviously create a built form in an open area and so would impact on the countryside; however this negative consideration must be balanced against the NPPF's emphasis on sustainable development.
- 11.3 The Local Plan cannot solely be used in the determination of the application for the following reasons:
 - a) following the Council's adoption of the Local Plan, the Government published the 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 for local planning authorities such as Uttlesford District that cannot demonstrate five years of deliverable housing sites.
- 11.4 *NPPF sustainability definitions:*
The NPPF defines each criterion as follows:
 - 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.
 - 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.
 - environmental role: protect and enhance the natural, built and historic environment, including improvements to biodiversity and minimising waste and the impact on the environment.
- 11.5 The application site is would be close to the settlement's services, as well as those in the surrounding settlements. The LPA notes the applicant's assertion that there would be an economic benefit arising from the construction of the development but considers that any advantage would be both limited and temporary in nature. Overall there would be some positive benefit in terms of economic sustainability.

- 11.6 The proposal would create an eight dwelling development in an established village. Future occupiers could take advantage of local community services and provide smaller two bedroom dwellings, rather than larger 'executive' type houses. One of the district's largest employers, Stansted Airport is close by. The proposal would provide new dwellings that comply with the accessibility requirements of Part M of the Building Regulations for less able occupiers. Overall, there would be some positive benefit in terms of social sustainability.
- 11.7 The dwelling units would be energy efficient and contain features to ensure low carbon usage, as required by building regulations. The loss of open space to the development would have an environmental impact, but the LPA notes that this effect would be mitigated to some degree as the immediate area is residential in nature and the dwellings would be in a linear form that runs parallel to the road, rather than out into the open fields beyond the site. The special circumstances of the site mean that there would be some positive benefit in terms of environmental sustainability.
- 11.8 To summarise, the proposal must be assessed primarily against the NPPF as well as the Local Plan. The current lack of a five year supply of housing means that a 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 SCALE:

- 11.9 Both national and local planning policy, together with the associated design guidance, expects development to be constructed to a high standard in terms of design.
- 11.10 Design goes beyond a proposal's appearance and choice of materials to include the development's layout and scale. The applicant has requested that only these last two points are considered for the current application, with other design factors to be assessed at the reserved matters stage.
- 11.11 A proposal should relate to its immediate area and be generally sympathetic to nearby buildings, without overly dominating the street scene in terms of scale or mass. Dwellings in the area are characterised by generously sized plots. The development would follow this theme, and provide each house with sufficient private amenity space to meet the LPA's guidelines. The properties' staggered building line follows the building line between the existing dwellings to the east and west of the site and corresponds to the lane. Like the semi-detached dwellings that face the site, the development would be set back from the road.
- 11.12 The LPA considers that both the layout and scale are appropriate for the site.

- 11.13 Local Plan Policy GEN2 requires developments to not create an unacceptable impact on the amenity of nearby occupiers in terms of shadowing, visual dominance or loss of privacy. A precise analysis depends will depend on the final plan, but the development's positioning as shown in the submitted documents are considered to be a sufficient distance away from its immediate neighbours to ensure that any impact on residential amenity would not be material.

C SITE BIODIVERSITY:

- 11.14 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. Paragraphs 109 and 108 of the NPPF requires development to enhance and contribute to biodiversity where possible.
- 11.15 The applicant's submitted biodiversity questionnaire identified that there was priority habitat within 100m of the site and so a detailed site assessment was included in accordance with Place Service's requirements. This report concluded that the ecological value of the site was low, but nevertheless could incorporate some basic wildlife enhancements to benefit local wildlife, such as bat boxes or sparrow terraces. Essex County Council's ecological officers have examined the proposals and they are satisfied that it would be acceptable, subject to mitigation measures which they recommend should be conditioned on any planning approval.

D ACCESS:

- 11.16 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). Two bedroom properties of the type proposed by the applicant require two parking bays per dwelling, based on Uttlesford's parking standards.
- 11.17 As noted above, School Lane is a rather narrow highway and the proposal would lead to some additional traffic from future occupiers leaving and entering the site. ECC Highways Authority is satisfied that the proposal would be acceptable, subject to conditions to ensure highway safety, such as visibility splays or parking layouts.

E ANCIENT MONUMENTS AND SITES OF ARCHAEOLOGICAL IMPORTANCE:

- 11.18 Local Plan Policy ENV4 recognises that there are around 3,000 sites of archaeological interest within the district. The need for development which could potentially affect sites that may have some archaeological importance should be balanced against the need for the development.

- 11.19 The Essex Historic Environment Record shows the development to lie within the historic village of Mole Hill Green on a known area of archaeological deposits, to the north east of Stansted Airport. Excavations in the immediate vicinity have shown extensive medieval occupation in and around the village. A number of house platforms, thought to be of medieval date are already recorded within the village (EHER 4711) on the site of the proposed development. Any development on this area will cause a significant impact to the surviving archaeological deposits. For that reason, the Archaeological Officer has recommended a programme of trial trenching, followed by open area excavation. Based on the historic importance of the vicinity, the LPA considers that such a precaution is reasonable under these circumstances.

F NOISE SENSITIVE DEVELOPMENT AND DISTURBANCE FROM AIRCRAFT:

- 11.20 Policy ENV10 states that noise sensitive development, such as housing, would not be permitted if the occupants would experience significant noise disturbance, based on the appropriate noise contour for the type of development and the proposed design and sound proofing features.
- 11.21 Aircraft movements are a major source of noise in Uttlesford. The site is close to Stansted Airport and so there is a potential for future occupiers of the development to experience excessive noise from aircraft approaching and leaving the airport.
- 11.22 The Council's Environmental Health Officer has identified the site as being in area which would be subject to noticeable aircraft noise and so the development has the potential to be adversely affected by unacceptable levels of noise pollution. The Officer therefore recommends a noise mitigation scheme as a condition of planning permission. The LPA considers that such a requirement is reasonable.

12. CONCLUSION:

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

- A The principle of the development is deemed to be appropriate in that it would be of a sustainable development in accordance with the National Planning Policy Framework.
- B The scale and layout are broadly acceptable.
- C The proposal would not adversely affect the biodiversity on site, subject to mitigation measures.
- D The proposed development would not compromise the safety of the highway.
- E Development should not commence until an archaeological investigation has been completed.
- F The development should be acceptable in terms of minimising aircraft noise, subject to acceptable mitigation measures.

RECOMMENDATION – APPROVAL SUBJECT TO CONDITIONS.

Conditions:

- 1 Approval of the details of appearance and landscaping ('the Reserved Matters') shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

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

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

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

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

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

- 4 There should be no obstruction above ground level 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 accesses are first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between the pedestrian and users of accesses and the existing public highway for the safety and convenience of the users of the highway and access having regard safety and in accordance with Uttlesford Local Plan Policy GEN1.

- 5 Prior to the first occupation of the development the access arrangements and vehicle parking areas as indicated on drawing no. 018/724-OP shall be provided, hard surfaced, sealed and marked out. The access and parking areas shall be retained at all times for their intended purpose.

REASON: To ensure that appropriate access and parking is provided in accordance with Uttlesford Local Plan Policies GEN1 and GEN8.

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with Uttlesford Local Plan Policy GEN1.

- 7 Prior to occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials shall be provided

clear of the highway and retained at all times for that sole purpose.

REASON: To ensure that appropriate loading and unloading facilities are available in the interest of highway safety and in accordance with Uttlesford Local Plan Policy GEN1.

- 8 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.

JUSTIFICATION: A pre-commencement condition is necessary because the LPA has reasonable grounds to believe that the site may contain archaeologically important artefacts and an investigation programme is necessary to enable the LPA to make an informed decision regarding the most appropriate steps.

REASON: To ensure that the development will not cause harm to a site of archaeological importance in accordance with the NPPF and Uttlesford Local Plan Policy ENV4.

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

REASON: To ensure that the development will not cause harm to a site of archaeological importance in accordance with the NPPF and Uttlesford Local Plan Policy ENV4.

- 10 All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment eg (Hybrid Ecology, March 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes due diligence regarding nesting birds, cover trenches overnight, infill hedge, install bat box and sparrow terrace, ensure lighting is away from the hedgerow habitat.

REASONS: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and in accordance with the NPPF and the Uttlesford Local Plan Policy GEN7.

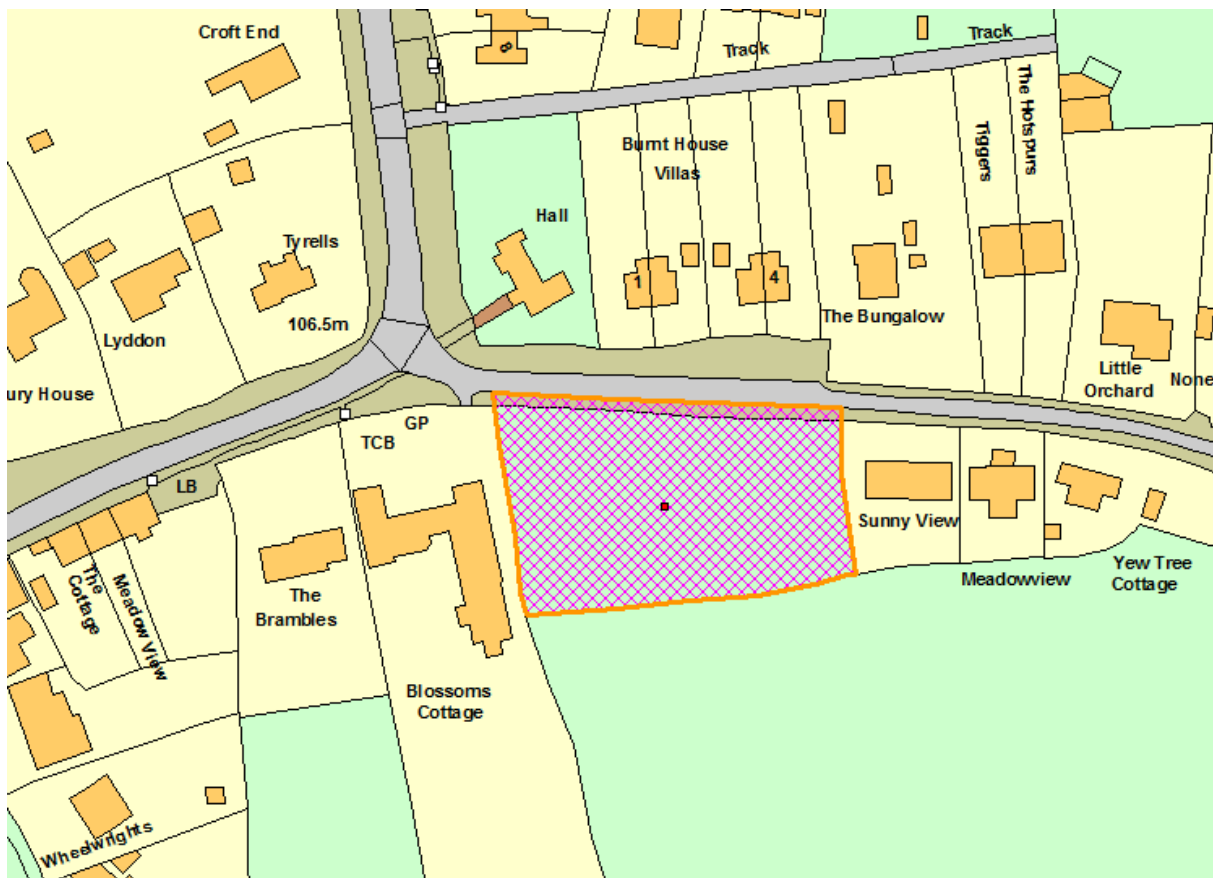
- 11 No development shall commence until a scheme of noise mitigation has been submitted and approved in writing by the Local Planning Authority. Details shall be included in the scheme of the design, layout and acoustic noise insulation performance specification of the external building envelope, having regard to the building fabric, glazing and ventilation. The scheme shall be based on insulation calculations provided in British Standard 8233:2014 and shall be designed to achieve the following noise targets:

Bedrooms (23.00-07.00 hrs) 30 dB LAeq and 45 dB LAm_{ax}.
Living Rooms (07.00-23.00 hrs) 35 dB LAeq

The scheme as approved shall be fully implemented prior to occupation of the residential units and shall be retained thereafter and not altered without prior approval.

JUSTIFICATION: future occupiers may be adversely affected by aircraft noise and so the LPA needs to be satisfied that sufficient mitigation measures can be achieved to protect occupiers before the development can begin.

REASON: To ensure that the development will not cause harm to the general amenity of occupiers (in terms of noise) in accordance with Uttlesford Local Plan Policy ENV10.



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Organisation: Uttlesford District Council
Department: Planning
Date: 20 June 2018

UTT/18/0834/FUL (NEWPORT)

(Referred to Committee by Cllr Gerard. Reason: On access grounds)

PROPOSAL: Proposed removal of existing derelict buildings and erection of 2 no. 4 bedroomed dwellings with cartlodge style garages

LOCATION: Charlotte's Meadow - Land to the North West of Whiteditch Lane, Newport

APPLICANT: Charlotte's Meadow Ltd

AGENT: Rachel Moses Architect Ltd

EXPIRY DATE: 6 July 2018

CASE OFFICER: Luke Mills

1. NOTATION

1.1 Countryside.

2. DESCRIPTION OF SITE

2.1 The site is located at the northern end of Whiteditch Lane, Newport. It comprises a largely-undeveloped parcel of land, with a dilapidated concrete structure close to the eastern boundary.

3. PROPOSAL

3.1 The application is for planning permission to demolish the existing structure and erect two detached houses, with associated garages, driveways and gardens. The existing field access would be upgraded to serve both dwellings.

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:

- Planning Supporting Statement incorporating Design and Access Statement
- Biodiversity Validation Checklist
- Ecological Survey and Assessment

6. RELEVANT SITE HISTORY

6.1 No recent, relevant history.

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.

Uttlesford Local Plan (2005)

- 7.4
- S7 – The Countryside
 - GEN1 – Access
 - GEN2 – Design
 - GEN3 – Flood Protection
 - 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
 - ENV8 – Other Landscape Elements of Importance for Nature Conservation
 - H1 – Housing Development
 - H9 – Affordable Housing
 - H10 – Housing Mix

Supplementary Planning Documents/Guidance

- 7.5
- 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

- 7.6
- National Planning Policy Framework (NPPF) (2012)
 - paragraphs 14, 17, 32-39, 47-49, 55, 58-66, 75, 100-104, 112, 118 & 128-135
 - Planning Practice Guidance (PPG)
 - Conserving and enhancing the historic environment
 - Design
 - Flood risk and coastal change
 - Housing: optional technical standards
 - Natural environment

- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Rural housing

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)

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)
 Newport Village Plan (2010)

8. PARISH COUNCIL COMMENTS

- 8.1 Objection. Concerns include:

- The site is not allocated for residential development
- Adverse effect on road safety, including in combination with committed developments
- No need for additional housing in Newport
- Increased risk of flooding, including from surface water runoff
- Inadequate foul drainage arrangements
- Reduced air quality in Newport from additional vehicle movements

9. CONSULTATIONS

London Stansted Airport

- 9.1 No objections.

Historic Environment Advisor (Essex County Council)

- 9.2 No objections, subject to a condition to secure archaeological investigation.
 Extract:

“The Historic Environment Record and the Historic Environment Characterisation study indicate that the proposed development lies within a potentially sensitive area of heritage assets. No information has been submitted with the application with regard to the potential historic environment impacts of the proposed scheme.

The proposed development lies just outside the suggested limits of the medieval town, however, there is documentary evidence of a castle being in the vicinity (EHER 234). Initially thought to be in the area of the school, however, excavations here have failed to identify any remains. Recent trial trenching to the south of the site identified limited prehistoric occupation (EHER 48597). The site also lies in close proximity to a sequence of cropmarks indicative of a large enclosure (EHER 19837).

The archaeological work would comprise initial trial trenching to identify the

extent and depth of archaeological deposits followed by open area excavation if archaeological deposits are identified.”

Ecological Consultant (Essex County Council)

- 9.3 No objections, subject to a condition to secure the proposed ecological mitigation and enhancement measures. Extract:

“The proposals are limited in scale/scope and according to the Ecological Survey and Assessment (Essex Mammal Surveys, Nov 2017) 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.”

Highway Authority (Essex County Council)

- 9.4 No objections, subject to conditions.

Environmental Health Officer

- 9.5 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. The following concerns have been raised among the submitted representations:

- 1) Inadequate highway capacity
- 2) Unsuitable access
- 3) Increased risk to the safety of byway users
- 4) Construction vehicles could obstruct the byway
- 5) Loss of privacy at neighbouring properties
- 6) Loss of trees to facilitate access
- 7) Potential harm to biodiversity
- 8) Increased risk of surface water flooding
- 9) Requirement for contributions to infrastructure improvements
- 10) Conflict with the draft Newport, Quendon and Rickling Neighbourhood Plan
- 11) Missing Environmental Impact Assessment (EIA) screening opinion
- 12) Precedent for more intensive development

- 10.2 Supportive comments include:

- a) Compatible with the character of the area
- b) The applicant has engaged with neighbours before submitting the application
- c) Suitable drainage arrangements, subject to appropriate planning conditions

- 10.3 The following comments are made in relation to the above concerns:

- 1) – 9) Covered in the below appraisal.

10) The Neighbourhood Plan has limited weight at its draft stage, such that its policies have little bearing on this planning decision.

11) The question of EIA is addressed under the report heading, 'Environmental Impact Assessment'.

12) Any future applications would be assessed on their own merits.

11. APPRAISAL

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

- A Location of housing (S7, H1, 55 & PPG)
- B Character and appearance (S7, GEN2, 17, 58-66 & PPG)
- C Transport (GEN1, GEN8, 32-39, 75, PPG, HCWS488 & Circular 1/09)
- D Accessibility (GEN2, 58 & PPG)
- E Amenity (GEN2 & 17)
- F Flooding (GEN3, 100-104, PPG, HCWS161 & SFRA)
- G Infrastructure (GEN6)
- H Biodiversity (GEN7, ENV8, 118 & PPG)
- I Archaeology (ENV4, 128-135 & PPG)
- J Agricultural land (ENV5 & 112)
- K Affordable housing (H9 & PPG)
- L Housing mix (H10 & SHMA)
- M 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 would 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 the more up-to-date policy at paragraph 55 of the NPPF.

B Character and appearance (S7, GEN2, 17, 58-66 & PPG)

- 11.2 The use of undeveloped land that forms part of the countryside would inherently have a harmful effect on the character of the area. However, the containment of the development within established vegetated boundaries would prevent any significant incursion into the open rural landscape beyond. It is therefore considered that any harm to landscape character would be limited.
- 11.3 As for the design and layout of the development, it is considered that it would be compatible with nearby development off Whiteditch Lane. The scale would be similar to a number of existing houses, while the lack of a uniform building line ensures that the set-back position of the dwellings would not appear out of place. Furthermore, the low density of development is consistent with the spacious rural character of the area, while the traditional appearance and materials would be compatible with nearby buildings.
- 11.4 It is concluded that there would be conflict with the above policies insofar as they relate to countryside character, albeit the level of harm would be limited. The building designs accord with the above policies.

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

- 11.5 The site's location within a relatively large village ensures that the occupants of the proposed dwelling would have access to a range of services and facilities, and to a train station with regular services to Cambridge and London.
- 11.6 Taking into account the comments of the highway authority, it is considered that there would be no significant adverse effects on road safety or capacity. Furthermore, the proposed parking provision complies with the Council's minimum standards. It is therefore concluded that the proposal accords with the above policies.

D Accessibility (GEN2, 58 & PPG)

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

E Amenity (GEN2 & 17)

- 11.8 Taking into account The Essex Design Guide, a non-adopted but useful guidance document, it is considered that the proposed rear gardens would be of a suitable size, and that there would be no significant adverse effects on the amenity of neighbouring premises with respect to daylight or overbearing impacts. Furthermore, the 33 m separation from Bramblemead, the oblique angle and the partial boundary screening ensure that Plot 2 would not cause a significant loss of privacy for existing residents. It is therefore concluded that the proposal accords with the above policies insofar as they relate to amenity.

F Flooding (GEN3, 100-104, PPG, HCWS161 & SFRA)

- 11.9 Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The SFRA confirms that the site is not in an area at risk of flooding and, as the development is for less than 10 dwellings, national policy does not require the use of a sustainable drainage system. It is therefore concluded that the proposal would not give rise to any significant adverse effects with respect to flood risk, such that it accords with the above policies.
- 11.10 It is noted that concerns have been raised among the submitted representations regarding the effectiveness of the proposed drainage arrangements. This would be ensured through the separate Building Regulations approval process.

G Infrastructure (GEN6)

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

proposal accords with Policy GEN6.

H Biodiversity (GEN7, ENV8, 118 & PPG)

- 11.12 Taking into account the comments of the Council's ecological consultant, it is considered unlikely that the development would have significant adverse effects on any protected species or valuable habitats. It is therefore concluded that the proposal accords with the above policies.

I Archaeology (ENV4, 128-135 & PPG)

- 11.13 Taking into account the comments of the Historic Environment Advisor, it is considered that the development has the potential to affect important archaeological remains. Subject to the use of a condition to secure the necessary archaeological investigation, the proposal accords with the above policies.

J Agricultural land (ENV5 & 112)

- 11.14 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 Grade 2, which is regarded as BMV land, the development would not represent a significant breach of these policies because the land is not in productive agricultural use, it is small in agricultural terms and the high quality of land across the majority of the District means that some loss is inevitable.

K Affordable housing (H9 & PPG)

- 11.15 Policy H9 and its preamble form the basis for seeking affordable housing provision from new residential developments. In this case, the policy indicates that the proposal need not make a contribution.

L Housing mix (H10 & SHMA)

- 11.16 As the site area is greater than 0.1 ha, Policy H10 requires that small market housing comprises a significant proportion of the total number of units. However, the preamble to the policy does not reference site area so the justification for the requirement is unclear. It is therefore considered that the housing mix requirements should only be applied to developments of three or more dwellings.

M Housing land supply (47-49)

- 11.17 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 and countryside character.
- B** Notwithstanding the above, it is concluded that 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 limited adverse effect on countryside character and the negligible effect on agricultural land provision would not significantly and demonstrably outweigh the benefits from the proposal's contribution towards housing land supply.
- C** Taking into account the more up-to-date nature of the NPPF with respect to the determining issues, it is considered that the lack of accordance with the development plan is overridden in this instance. Regard has been had to all other material considerations, and it is concluded that planning permission should be granted.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

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

2. Prior to commencement of the development or preliminary groundworks, 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 work 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.

3. Prior to commencement of the development, details of the following external finishes (including samples and/or photographs as appropriate) must be submitted to and approved in writing by the local planning authority:

- Walls
- Roof
- Windows
- Doors

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

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan

(adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

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

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

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

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

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

5. Prior to occupation of the development, the vehicular access off Whiteditch Lane and the associated visibility splays must be formed in accordance with Drawing No. 1724/PD/08.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

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

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

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

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.

8. The development must be carried out in accordance with the ecological measures and/or works recommended in the submitted Ecological Survey and Assessment (Essex Mammal Surveys, Nov 2017). This includes covering trenches overnight/ leaving means of escape, hedgehog friendly boundaries and installation of four bird nest boxes.

REASON: To conserve and enhance biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

Application: UTT/18/0834/FUL

Address: Charlotte's Meadow - Land to the North West of Whiteditch Lane, Newport



Organisation: Uttlesford District Council

Department: Planning

Date: 14 June 2018

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UTT/18/0741/FUL (CLAVERING)

(Referred to Committee by Cllr Oliver. Reason: The site is outside Development Limits)

PROPOSAL: Section 73A Retrospective application for the demolition of two milking parlours and the erection of a barn

LOCATION: Jojacks Farm, Wicken Road, Clavering CB11 4QT

APPLICANT: Mr K Boswell

AGENT: Hertford Planning Service

EXPIRY DATE: 6 July 2018

CASE OFFICER: Luke Mills

1. NOTATION

1.1 Countryside.

2. DESCRIPTION OF SITE

2.1 The site is located off Wicken Road, Clavering. It contains various structures and stored items associated with an authorised use as an agricultural contractor's yard.

3. PROPOSAL

3.1 The application is for planning permission to demolish two milking parlours and erect in the same position a building that would contain an office, store and staff room. The application has been made retrospectively – the existing buildings have been demolished and the proposed building is under construction.

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:

- Biodiversity Validation Checklist

6. RELEVANT SITE HISTORY

6.1 In October 2010, a Lawful Development Certificate was granted that confirmed the lawfulness of various structures, as well as storage and maintenance uses (UTT/0606/10/CLE).

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.

Uttlesford Local Plan (2005)

7.4 S7 – The Countryside
GEN1 - Access
GEN2 – Design

National Policies

7.5 National Planning Policy Framework (NPPF) (2012)
- paragraphs 14, 17, 28, 32-39 & 58-66
Planning Practice Guidance (PPG)
- Design

Other Material Considerations

7.6 Clavering Parish Plan (2014)

8. PARISH COUNCIL COMMENTS

8.1 Full response:

“Clavering Parish Council would like to draw UDC's attention to the fact that the restrictions of working hours are not detailed on the planning application.”

9. CONSULTATIONS

9.1 None.

10. REPRESENTATIONS

10.1 Neighbours were notified of the application by letter. No representations have been received.

11. APPRAISAL

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

- A Principle of development (S7 & 28)
- B Character and appearance (S7, GEN2, 17, 58-66 & PPG)
- C Transport (GEN1 & 32-39)
- D Amenity (GEN2 & 17)

A Principle of development (S7 & 28)

- 11.1 The site has an authorised use as an agricultural contractor's yard, such that the principle of development has been established. Furthermore, paragraph 28 of the NPPF supports the sustainable growth and expansion of all types of business in rural areas, including through the erection of well-designed new buildings.

B Character and appearance (S7, GEN2, 17, 58-66 & PPG)

- 11.2 The proposed building is sited in the same position as the milking parlours, albeit with a larger footprint. It is considered that this co-location with the other structures on the site, combined with the single-storey scale of the building, prevents any significant impact on the rural character of the area. Furthermore, the external finishes of timber weatherboarding and a tiled roof are considered appropriate. It is therefore concluded that the proposal accords with the above policies insofar as they relate to character and appearance.

C Transport (GEN1 & 32-39)

- 11.3 Taking into account the established nature of the land use, it is considered that the proposed building would not have a significant impact on the number or nature of vehicle movements. It is therefore concluded that there would be no conflict with the above policies.

D Amenity (GEN2 & 17)

- 11.4 Taking into account the established nature of the land use, it is considered that the proposed building would not have a significant impact on the amenity of neighbouring residents. It is therefore concluded that the proposal accords with the above policies insofar as they relate to amenity.

12. CONCLUSION

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

- A** The proposal accords with the development plan and the NPPF, and no material considerations indicate that planning permission should be refused. It is therefore recommended that permission be granted.
- B** It is noted that the Parish Council has highlighted a lack of information on working hours. However, the site is not restricted to certain working hours by any planning permission and, in any event, such a restriction is beyond the scope of the current application because it does not involve a change of use.

RECOMMENDATION – APPROVAL WITH CONDITIONS

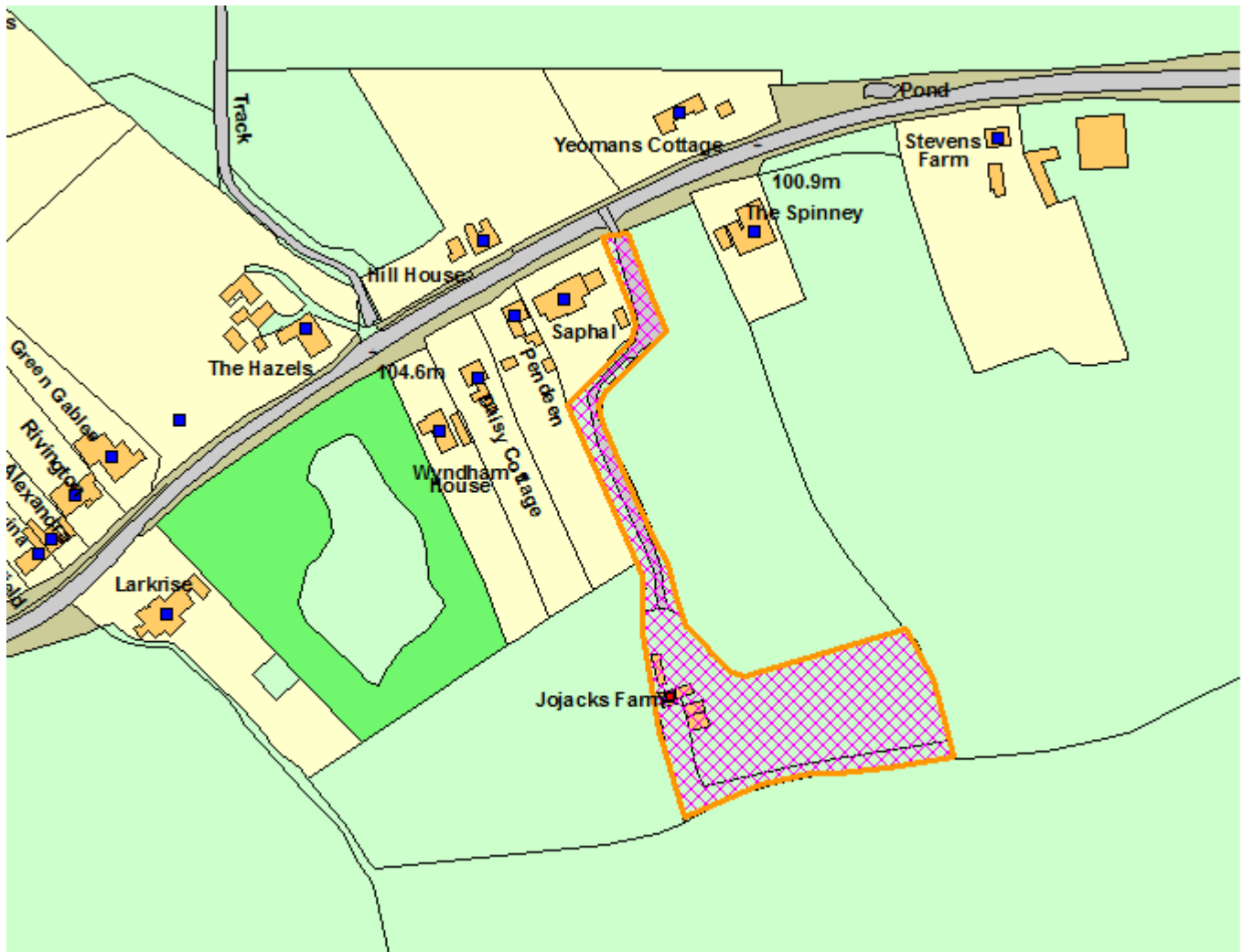
Conditions

1. The development must be carried out in accordance with the schedule of proposed materials on the submitted application form.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005), and the National Planning Policy Framework.

Application: UTT/18/0741/FUL

Address: Jojacks Farm, Wicken Road, Clavering CB11 4QT



Organisation: Uttlesford District Council

Department: Planning

Date: 14 June 2018

Committee: Planning Committee

Date:

Title: Petition regarding UTT/18/0460/FUL

4 July 2018

Report Author: Karen Denmark

Item for decision:
Yes

Summary

1. This report is submitted for members to consider a petition which has been forwarded to the Council. The petition is seeking an extension to the public speaking arrangements for application UTT/18/0460/FUL – Stansted Airport.

Recommendations

2. That the committee determine what level of public speaking there should be for UTT/18/0460/FUL.

Financial Implications

3. None arising from this report.

Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Impact

- 5.

| | |
|---------------------------------|--|
| Communication/Consultation | The report sets out the communication/consultation arrangements for inviting views on the planning application |
| Community Safety | None. |
| Equalities | None. |
| Health and Safety | None |
| Human Rights/Legal Implications | The Council's Public Speaking rules in its constitution set out the rights of members of the public to speak at Planning Committee meetings. |
| Sustainability | None. |
| Ward-specific impacts | The planning application has a specific impact for wards in the vicinity of the |

| | |
|---------------------|---|
| | airport. It is likely that a greater number of petitioners and those wishing to speak will be from these wards. |
| Workforce/Workplace | None |

Situation

6. The Council is currently considering an application for the increase in passenger numbers at Stansted Airport, reference UTT/18/0460/FUL. This application is the subject of a Planning Performance Agreement (PPA). Within the PPA is a timetable of events which initially envisaged the application coming before the Planning Committee on 18 July 2018, with two public speaking sessions to be held on 11 July 2018.
7. Due to further information needing to be submitted the initial timetable will need to be extended and negotiations with regards to a new timetable are currently ongoing.
8. Public consultation on the application has been carried out for an extended period of 9 weeks. The Council has received 828 emails in support of the application and 881 general representation letters, a mixture of support and objection.
9. The Council has been forwarded a 38 Degrees petition with around 100 signatures calling for an extension to the public speaking arrangements to at least 3 days. The petition states that this is important for two reasons – to allow those affected by the proposed significant development of the airport to speak and be heard, and to enable Council Members to ask questions and better understand the implications of their decision.
10. The public speaking rules for the Planning Committee are as follows:

Members of the public, representatives of town/ parish councils and the applicant/agent are permitted to speak in relation to a planning application.

The speakers will be invited to make their representations in the following order.

- 1. Non - committee councillor*
- 2. Supporter (up to 5 speakers)*
- 3. Objector (up to 5 speakers)*
- 4. Town /parish council representative*
- 5. Applicant or agent*

You will have 3 minutes to make your statement. You may only speak on the item indicated and your comments should be restricted to planning matters.

11. As stated above, two public speaking sessions were proposed. These would have been an afternoon and evening session to enable accessibility to a wider range of people. This is in addition to the normal public speaking arrangements on the day of the Planning Committee. Following the public speaking arrangements this would permit in excess of 100 public speakers. It is difficult to be sure as to how many people would wish to speak but considerably fewer than 100 people did so in the course of the recent consideration of the Local Plan.
12. Officers are aware that members of the Planning Committee would be expected to attend all proposed public speaking sessions as well as the Planning Committee itself. This is to ensure that all members have access to the same information. Increasing the number of public speaking sessions increases the risk of members not being available for a session(s). It would be important to ensure that any material new points raised by public speakers were drawn to the attention of all members of the Committee before it made its decision on the application. The author of the petition states that extending the public speaking session is important *to enable Council Members to ask questions and better understand the implications of their decision.*
13. The public speaking arrangements do not make provision for members to ask questions of speakers and this is not the usual practice.
14. However, there may be benefits in increasing the public speaking arrangements if there were significant numbers of people wishing to speak to ensure a wide range of issues can be presented. Whilst representations are still being assessed for the committee report, they have largely been limited to issues around noise, air quality, increase in flights, including night flights (not specifically part of this application), infrastructure such as roads and rail, and impacts on quality of life and/or health.

Risk Analysis

15.

| Risk | Likelihood | Impact | Mitigating actions |
|--|------------|--------|--|
| That those who wish to make representations may not be able to bring issues which require consideration to the attention of the Committee. | 1 | 2 | Make a specific amount of time for public speaking available so that representations may be made to the Committee. |

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.