



# Uttlesford District Council

Chief Executive: Dawn French

## Planning Committee

**Date:** Wednesday, 1st August, 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/18/1011/OP - Land West of Maranello, Watch House Green, Felsted** 9 - 36

To consider application UTT/18/1011/OP.

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| <b>4</b> | <b>UTT/18/0784/OP - Land East &amp; North Clifford Smith Drive,<br/>Watch House Green, Felsted</b> | <b>37 - 60</b> |
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To consider application UTT/18/0784/OP.

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| <b>5</b> | <b>UTT/18/1299/FUL - Site at Thaxted Road Former Civic Amenity<br/>and Granite Site, Thaxted Road, Saffron Walden</b> | <b>61 - 80</b> |
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To consider application UTT/18/1299/FUL.

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| <b>6</b> | <b>UTT/17/3540/FUL - Land To The North Of 35 To 40, Hanover<br/>Place, Saffron Walden</b> | <b>81 - 96</b> |
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To consider application UTT/17/3540/FUL.

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| <b>7</b> | <b>UTT/18/0569/FUL - Myco Garden Centre, Elder Street,<br/>Wimbish</b> | <b>97 - 102</b> |
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To consider application UTT/18/0569/FUL.

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| <b>8</b> | <b>UTT/18/1298/LB - Police Station, East Street, Saffron Walden</b> | <b>103 - 106</b> |
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To consider application UTT/18/1298/LB.

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**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,  
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 4 JULY  
2018 at 2.00 pm**

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

Officers in attendance: A Bochel (Democratic Services Officer), N Brown (Development Manager), P McEvoy (Temporary Planning Officer), L Mills (Planning Officer) and E Smith (Solicitor)

Also present: Councillor N Hargreaves, M Belcher, J Emanuel, S Gill, R Moses and A Weaver

**PC10 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies were received from Councillor Wells.

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

Councillor Lodge declared a non-pecuniary interest as he knew the agent in relation to Item 3.

**PC11 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 6 June 2018 were approved and signed by the Chairman as a correct record.

**PC12 UTT/18/0527/OP - LAND TO THE SOUTH OF SCHOOL LANE, MOLEHILL GREEN, TAKELEY**

The proposal was for outline planning permission for a small development of four pairs of semi-detached two storey houses. Only the principle of development, access, layout and scale were to be considered, with all other matters reserved.

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

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

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

*A Weaver spoke on this item.*

**PC13      UTT/18/0834/FUL - CHARLOTTE'S MEADOW, LAND TO THE NORTH WEST OF WHITEDITCH LANE, NEWPORT**

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

Members expressed concern about the proposed development's location in the countryside and its potential effect on air quality.

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

RESOLVED to refuse the application for the following reasons:

- 1) The proposed development would have a harmful effect on the rural character of the area, in conflict with Policy S7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.
- 2) The proposed development would further reduce air quality in the area, thereby adversely affecting health in conflict with Policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

*Councillor Hargreaves, J Emanuel and R Moses spoke on this application.*

**PC14      UTT/18/0741/FUL - JOJACKS FARM, WICKEN ROAD, CLAVERING**

The application was for planning permission to demolish two milking parlours and erect a building that would contain an office, store and staff room. The application had been made retrospectively – the existing buildings had been demolished and the proposed building was under construction.

Councillor Chambers proposed to approve this application. Councillor Lemon seconded this motion.

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

*S Gill spoke on this item.*

**PC15      PETITION REGARDING UTT/18/0460/FUL**

A petition had been received seeking an extension to the public speaking arrangements for application UTT/18/0460/FUL – Stansted Airport.

Members agreed to defer making a decision on the item, pending further consideration by the Chairman and the Development Manager.

*M Belcher spoke on this item.*

The meeting ended at 3.20pm.

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**UTT/18/1011/OP**  
**(Major)**

**PROPOSAL:** Outline application, with appearance, landscaping and scale reserved, for the construction of 28 new dwellings, including 11 affordable homes, formation of new vehicular access, associated local area for play, parking and landscaping

**LOCATION:** Land West of Maranello, Watch house Green, Felsted, Essex.

**APPLICANT:** Mr J Braha

**AGENT:** Mrs S Stephenson

**EXPIRY DATE:** 20<sup>th</sup> July 2018. Extension of time 8<sup>th</sup> August 2018

**CASE OFFICER:** Mrs M Jones

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**1. NOTATION**

- 1.1 Outside Development Limits. Within 250m of Local wildlife Site(Flitch Way).Public right of Way

**2. DESCRIPTION OF SITE**

- 2.1 The application site is located to the north west of Watch House Green, and north east of the village of Felsted.
- 2.2 The site is part of the garden of the adjacent dwelling Maranello and is irregular in shape. It is approximately 1.5 hectares in total. The land gentle slopes from north to the south western corner. The garden is split into two distinct areas: a formal area immediately to the south of the house, which includes lawns and formal planting areas; and another side garden to the west of the house that is set as lawn. These two areas are separated by a row of pine trees.
- 2.3 There are residential dwellings to the east of the site running in a linear pattern along the B1417. There is a close boarded fence to this boundary. To the north of the site is an existing driveway (which is also a public right of way) which provides access to Felmoor Farm and a day care nursery. This access leads onto the Braintree Road. Beyond the access track is open countryside. Mature trees line the existing access road.
- 2.4 A landscape buffer runs along the western and southern boundaries. Beyond the western boundary is open countryside.

**3. PROPOSAL**

- 3.1 Outline application with appearance, landscaping and scale reserved for the erection of 28 new dwellings, formation of new vehicular access, local play area , parking and landscaping.
- 3.2 The layout shows a mix of 2 x 1 bed, 9 x 2 bed, 11 x 3 bed and 6 x 4 bed.The

- indicative mix shows a mix of flats, bungalows, semi-detached and detached properties
- 3.3 Forty percent affordable housing is proposed and this is shown indicatively to be 2 x 1 bed and 9 x 2 bed. Two of the affordable housing would be provided as bungalows and two of the units would be flats.
- 3.4 All dwellings have on plot parking and the indicative plans show 7 additional visitor parking spaces.
- 3.5 All dwellings have in excess of 100m<sup>2</sup> private amenity space.
- 3.6 The Affordable housing would be split into Affordable rent and Affordable Shared Ownership.
- 3.7 An area of public open space in the form of a LAP is included in the proposals adjacent to plot 20.
- 3.8 A new access road would be provided with a new junction serving the farm and nursery off of the new development access drive. A pedestrian footpath would be created from the development linking to the pavement on the western side of the B1417.
- 3.9 Revised plans have been received relocating the existing access to Maranello further away from the B1417 junction.

#### **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 supported with the following accompanying documents: Arboricultural Impact Assessment Report, a completed Biodiversity Checklist questionnaire, a Design and Access Statement, an ecological Assessment, A Flood Risk Assessment, a Landscape and Visual Appraisal, a Planning Statement, a Statement of community involvement, A Suds report, a Transport Statement, a utilities Assessment, and a cumulative impact assessment.

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

- 6.1 DUN/0237/68: site for 3 dwellings – refused.
- 6.2 DUN/0488/65: Site for 3 dwellings - refused
- 6.3 UTT/0393/75: Erection of stable block. tack room and store – Conditional approval

- 6.4 UTT/0833/01/FUL: Erection of 1.8m high boundary wall and gates – Conditionally Approved.
- 6.5 UTT/1308/02/FUL: Detached single storey building to form games room and covered swimming pool – Conditionally approved.
- 6.6 UTT/1637/00/FUL: -Change of use from pasture land/field to residential. Conditionally approved.
- 6.7 UTT/1802/03/FUL: - Change of use of field to garden. – Conditionally approved.

## **7. POLICIES**

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

- 7.1
- S7 – Countryside
  - GEN1 – Access
  - GEN2 – Design
  - GEN3 – Flood Protection
  - GEN6 – Infrastructure Provision to Support Development
  - GEN7 – Nature Conservation
  - GEN8 – Vehicle Parking Standards
  - ENV7 – County Wildlife Site
  - H9 – Affordable Housing
  - H10 – Housing Mix
  - GEN4 – Good Neighbourliness
  - ENV13 – Exposure to poor air quality
  - ENV2- Development affecting Listed Buildings

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

- 7.2
- Accessible Homes and Playspace
  - Uttlesford Local Parking Standards

### **National Policies**

- 7.3
- National Planning Policy Framework

## **8. PARISH/TOWN COUNCIL COMMENTS**

- 8.1
1. The site is outside the settlement development envelope and therefore contrary to UDCs Policy S7. The proposed affordable housing is not exception housing, permitted in countryside, to be reserved in perpetuity for occupation by residents with an existing connection with the village.
  2. The site was classified grade E in the SHLAA, and considered unsuitable, as development on the site would not contribute to sustainable patterns of development.
  3. The development would constitute backfill, in a hamlet with an almost exclusively linear housing pattern.
  4. Felsted has been identified as a Type A village in the emerging Local Plan; the proposed development would equal or exceed the entire expected new housing requirement for the village up to 2033.
  5. The development will add to the pressure on the villages infrastructure: the Primary School is already full in all Years but one the villages GP Surgery is

straining to provide acceptable waiting times for appointments the proposal would potentially add a further 90-120 patients.

6. There are already problems of water supply pressure in the area, which will be exacerbated by the proposed size of the development.

7. The proposed access to the development is close to a blind corner on the B1417 Braintree Road. The potential addition of a further 50-60 vehicles using this raises concerns over road safety.

8. The proposed access would be shared with the adjacent daycare nursery at Felmoor Farm. UDCs Planning Committee has recently refused permission for a comparable development adjacent to Henham Primary School on application UTT/17/3197/FUL, the design of which was considered to compromise the safety of other road users contrary to Local Plan Policy GEN1(c).

## **9. CONSULTATIONS**

### **MAG London Stansted Airport**

- 9.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and potential to conflict aerodrome Safeguarding criteria. We have no safeguarding objections to the proposed development.

### **Essex County Council Development and Flood Risk Officer**

- 9.2 No objections subject to conditions.

### **Essex County Council Ecology**

- 9.3 No objection subject to securing biodiversity mitigation and enhancement measures.

#### **Summary**

I have reviewed the Ecological Assessment (Ethos Environmental Planning, April 2018) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species.

I am satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. I support the reasonable biodiversity enhancements that should also be secured by a condition on any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The mitigation and enhancement measures identified in the Ecological Assessment (Ethos Environmental Planning, April 2018) should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority species.

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 proposed measures will contribute to this aim.

### **Essex County Council Archaeology**

- 9.4 Recommendation: An Archaeological Programme of Trial Trenching followed by Open Area Excavation, to be secured by conditions.  
The Historic Environment Record indicates that the proposed development lies

within a potentially sensitive area of heritage assets. To the immediate east of the development site lies the remains of a medieval settlement recently identified in excavations (EHER 49073). To the west of the site lies an extensive spread of cropmark evidence (aerial photographic interpretation) which shows a sequence of enclosures and field systems, indicative of an extensively farmed landscape. Cartographic evidence shows a large Green running along the northern boundary of the site leading towards Moor's Farm to the north west.

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. All archaeological work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office.

### **Historic England**

- 9.5 No comment

### **Essex County Council Highways**

- 9.6 The Highway Authority is satisfied with the proposal, subject to conditions; however, the existing access to Maranello should be relocated away from the B1417 junction/junction radii to a suitable position along the proposed access road, to reduce conflict at the junction.
- 9.7 An assessment of the application was undertaken with reference to the National Planning Policy Framework 2012 and in particular paragraph 32, the following aspects were considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures. A site visit was undertaken and the Transport Statement assessed. In the course of assessing the application some changes were required of the layout to improve highway safety. It is considered that impact on the capacity of the local network will be minimal and proposed realignment of road will remove some of the conflict on the existing right of way.
- 9.8 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.
- 9.9 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the measures being attached to any approval.

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

- 9.10 I have assessed the application on the basis of 26 houses. Assuming that all of the units are homes with two or more bedrooms, a development of this size can be expected to generate the need for up to 2.34 early years and childcare (EY & C ) places, 7.80 primary school and 5.20 secondary school places. The developer contribution figures are calculations only. Final payments will be based on the actual unit mix and the inclusion of indexation.

The proposed development is located within the Felsted and Stebbing Ward. According to Essex County Council's childcare sufficiency data, published in July 2017, there are 20 unfilled places recorded. For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. The data shows sufficient places to meet the demand from this proposal. A developer contribution will not be sought to mitigate its impact on local EY & C provision.

9.11 Primary Education

This development would sit within the priority admissions area of Felsted Primary School. The school has just 120 places in permanent accommodation and currently uses temporary class bases to provide for the 260 pupils on roll. The school is full in most year groups, including reception, even taking temporary accommodation into account. Viability work is being commissioned to look at its long term accommodation needs. This development would add to that need and thereby, the requirement of a developer contribution is directly related to this proposal. Based on the demand generated by this proposal as set out above, a developer contribution of £119,192, index linked to April 2018, is sought to mitigate its impact on local primary school provision.

The contribution sought is based on the formula outlined in the Essex County Council Developers' Guide to Infrastructure Contributions, which sets sums based on the number and type of homes built. The contribution would thus be fairly and reasonably related in scale and kind to the development and thereby, Community Infrastructure Levy regulation 122 compliant. Five obligations naming the project alluded to above have not been entered into at this time and any section 106 agreement in favour of primary school place is, therefore, also regulation 123 compliant.

9.12 Secondary Education:

The local secondary school serving this area is Helena Romanes. Although there will be a need to expand provision to meet longer term growth, this site is below the threshold set out in the Developers Guide for seeking secondary school contributions.

9.13 Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council will not be seeking a school transport contribution; however, the developer should ensure that safe and direct walking and cycling routes to local schools are available. In view of the above, I request on behalf of Essex County Council that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on primary education. Our standard formula s106 agreement clauses that ensure the contribution would be fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

### **Environmental Health**

9.14 Environmental Health have no objections to the applications but would encourage on site provision of measures to facilitate non car travel and use of low emission vehicles in the interests of air quality in nearby towns and well being. The following conditions are suggested

9.15 • Cycle / Powered Two wheeler parking shall be provided at each dwelling. The parking shall be secure, convenient, covered and provided prior to occupation.

- 9.16 • Electric vehicle charging points shall be installed at each garage or covered car port. These shall be provided, fully wired and connected, ready to use before first occupation
- 9.17 Impact on air quality is closely related to highway capacity in terms of creating congestion, and geography of the local road network in terms of dispersion of emissions.
- 9.18 Additional traffic at the times of school opening and closing will make up a relatively small proportion of the total emission load when assessed over a 12 month period, which the annual mean based air quality objectives require. Users of the facilities can minimise the impact by adopting non car travel
- 9.19 This department's knowledge from air quality monitoring throughout the district suggests that the objectives are unlikely to be breached in the location of the proposal or local school, and for that reason air quality is not currently monitored in Felsted.
- 9.20 However, additional emissions generated by the development should still be minimised, and traffic generated will impact on towns and other congested areas within the district, where air quality is an issue. The inclusion of conditions to encourage access by means other than by car, which will also benefit well-being, and infrastructure for low emission vehicles are recommended.

### **Anglian Water**

- 9.21 **Section 1 – Assets Affected**  
Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.
- Section 2 – Wastewater Treatment**  
The foul drainage from this development is in the catchment of Felsted Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.
- Section 3 – Foul Sewerage Network**  
The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.
- Section 4 – Surface Water Disposal**  
From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets.
- 9.22 Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.  
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

### **Housing Enabling Officer**

- 9.23 The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 units.
- 9.24 The affordable housing provision on this site will attract the 40% policy requirement as the site is for 28 (net) units. This amounts to 11 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.
- 9.25 It is also the Councils' policy to require all units delivered to the Lifetimes Home Standard with 5% being wheelchair accessible as well as 5% of all units to be bungalows delivered as 1 and 2 bedroom units. This would amount to 1 bungalow across the site delivered as an open market property.
- 9.26 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.

9.27		1 bed	2 bed	3 bed	4 bed	Totals
	Total affordable units	1	5	4	1	11
	Affordable Rent	0	4	4	0	8
	Shared Ownership	1	1	0	1	3

- 9.28 I confirm the mix is acceptable, providing some of the 2 bed houses are for affordable rent. The bungalows can be a mix of affordable rent and shared ownership.

### **UK Power Networks**

- 9.29 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.

### **Essex Police**

- 9.30 It appears from the documents attached to this application that the boundaries will consist of natural hedging we would recommend if this is the case that these should be of a defensive nature i.e. spiky species grown to a height and width that would deter entry.  
UDC Local Plan Policy GEN2 - Design (d) states" It helps reduce the potential for crime"  
We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award.  
From experience pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application.

## **Landscape Officer**

- 9.31 Some 60+ individual trees and a group of field maple/hazel/blackthorn are proposed to be felled. The individual trees to be felled are 22 pine, 11 beech, 5 cypress, 4 cedar, 1 willow, 4 cherry, 3 ash, 3 sycamore, 2 birch, 1 robinia, 2 oak, and 2 maple. None of these trees are considered to be outstanding specimens. The proposed protective measure in respect of trees to be retained are considered satisfactory. As part of any approval the submission of a fully detailed landscape scheme should be conditioned.

## **10. REPRESENTATIONS**

- 10.1 This application was publicised by sending letters to nearby neighbours, displaying of a site notice and advertising it within the local newspaper. 22 Letters of representation have been received. Expiry date: 1<sup>st</sup> June 2018
- 10.2 17 letters of objection, including a letter representing Watch House Residents Group, have been received raising the following issues:
- 10.3
- Inadequate infrastructure
  - Local primary school is oversubscribed
  - GP surgery is full
  - The affordable housing would be available for people who live elsewhere in Essex and therefore would not benefit the local community
  - Brownfield sites should be used for new housing
  - Pollution
  - Impact on ecology
  - Incompatible with the current linear pattern of housing in Watch House Green
  - Outside Development Limits
  - Village already overdeveloped
  - Visual impact from Flitch Way
  - Traffic and Highway safety issues
  - Impact on setting of adjacent Listed Buildings.
  - Provides no benefit to the community
  - Noise pollution
  - Drainage
  - Sewage
  - Developers are taking advantage of the lack of 5 year building plan
  - Cumulative impact of this development and other recently approved applications in Watch House Green –
  - There have been numerous accidents along this road
  - Lack of pedestrian access
  - Lack of local employment
  - Bus service is not regular or reliable
  - Flooding
  - Impact of construction traffic on pedestrians
  - Low water pressure
  - The proposal is entirely an opportunistic venture hoping to exploit the current climate on planning.
  - The hamlet would double in size. This would alter the fundamental nature

of the hamlet and further erode the qualities which have made it a pleasant place to live

- Unsustainable development
- There is no statutory planning basis for the dwellings and no support from a neighbourhood plan.
- Why not just build 11 affordable homes
- Traffic congestion
- The proposed access is a public right of way – creating highway issues for dog walkers and pedestrians.
- Overdevelopment
- Impact on view from my back garden
- Out of character with hamlet
- Impact on enjoyment and quality of life
- The proposed development would constitute at least the whole of the anticipated housing requirement for the village up to 2033. This does not constitute sustainable development.
- The application does not refer to the neighbourhood plan and has not addressed the key concerns detailed within this including sustainable development, traffic and provision of local public services. All of these will be under further pressure of the proposed development.
- Parking issues – traffic congestion
- A larger septic tank is undesirable
- A mini roundabout at the junction with the B1417 should be provided and double yellow parking restrictions applied to the proposed access road.
- It is necessary to ensure at least 3 car spaces are provided for each property. Uttlesford should adopt a policy for all residential developments to have parking spaces provided on the plots of at least the equivalent of 2 cars per bedroom.
- A 5m wide grass area along and to the NE of the proposed access road into site from the B1417 Braintree Road should be provided in order not to lose the rural nature of the area and to encourage walking in the vicinity. This should run from the B1417 to beyond where the proposed access road turns left outside the proposed plot numbered 28 on Site Plan;

#### 10.4 Five representations are in support of the proposal:

- The development is well designed and respectful of the surrounding environment with excellent screening minimising any impact on neighbours.
- It provides modest family homes that young adults can aspire to own without having to leave their home village and /or downsizing potential for the elderly.
- Provides affordable social housing which is desperately needed.
- Will make a positive impact on the Watch House traffic/parking situation
- The proximity to the primary school and nursery lends itself to children walking to and from school
- The development makes better use of the land currently occupied by only one family
- Felsted is a sustainable location and will be enhanced by this development
- The new road would benefit me personally. At the moment I have to avoid going out in busy periods as the traffic is sometimes gridlocked at the entrance to Felmoor Farm and Whipper- snappers.
- A new two way traffic entrance and exit road will alleviate the congestion to Whipper Snappers and improve highway safety.

## 11. APPRAISAL

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

- A The principle of development of this site for residential purposes (NPPF, ULP Policies S7);
- B Design (Layout and Parking) (ULP policies GEN2 and GEN8)
- C The access to the site would be appropriate (ULP Policy GEN1);
- D Affordable Housing, Education Contributions (ULP policies H9, GEN6)
- E There would be a detrimental impact on protected species (ULP Policy GEN7);
- F Flood Risk and drainage (ULP Policy GEN3; NPPF)
- G Other material planning considerations.

### **A The principle of development of this site for residential purposes (NPPF, ULP Policies S7);**

- 11.1 This scheme is for 28 residential units of which 11 would be affordable and the remainder would be market housing. In policy terms the site is located outside the development limits for Felsted 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.
- 11.2 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.
- 11.3 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.
- 11.4 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.
- 11.5 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.
  - 11.6 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).
  - 11.7 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.
  - 11.8 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) eleven affordable housing units, public open space and two bungalows. Felsted has access to bus services to other nearby towns and centres of employment. The proposal would also have a negative impact by putting more strain on the local infrastructure and demand for school places and local surgeries. The site is well served by bus routes, providing access between Watch House Green/Felsted and Great Dunmow, Chelmsford, Braintree, Stansted Airport and Colchester to further facilities.  
This would have some weight in favour of the positive contribution the proposal could make in these regards.
  - 11.9 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. At present Felsted Parish forms a group of hamlets which are each separated by open countryside. 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.
  - 11.10 The site forms part of the garden of Maranello, and is enclosed by mature landscaping. As stated above the site forms an L shape that wraps around the western and southern sides of Maranello with the eastern boundary backing onto residential dwellings and is currently the garden of Maranello. These two areas are separated by a row of pine trees. The site includes all of the side garden and the southern half of the formal gardens. There are trees, hedgerow/shrubs to the southern and western boundaries. The northern boundary forms the northern edge of Watch House Green on this side of Braintree road.

- 11.11 Access to the development would be via a new driveway from the B1417 Braintree Road. The existing access is lined with mature trees. This access would partly utilise an existing access track to Felmoor Farm. The new access would help mitigate against highway issues.
- 11.12 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. The retention of the boundary tree line and hedging and new landscape proposals would help minimise the impact of the development on the character of the area, as would the low density of the scheme. The Council's Landscape officer has been consulted and he advises that the veteran oak trees in the hedgerow adjacent to the access road which are of landscape importance should be retained. A full arboricultural impact assessment report has been submitted with the application. A material consideration is that the trees on the site are not subject to tree preservation orders and therefore could be felled without any permission. The development results in the removal of seven trees and other trees are recommended for removal due to their poor condition and or to enable reasonable garden use. The access road is within the root protection area of a large oak tree and other trees nearby. All other trees will be retained and protected by tree protection fencing during construction; this can be achieved by a suitable condition. Landscaping is a reserved matter and therefore can be considered at reserved matters stage.
- 11.13 The introduction of built form in this location would result in some harm to the openness and character of the rural area as the development would be visible from beyond the western boundary and northern boundary and is therefore contrary to the aims of policy S7. 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 development of this site for residential purposes would not be unduly out of character with the area.
- 11.14 Representations have been received in respect of potential harm in respect of air pollution. Impact on air quality is closely related to highway capacity in terms of creating congestion, and geography of the local road network in terms of dispersion of emissions. The site is not in an area currently monitored for air quality (AQMA) and Environmental Health officers have been consulted, who confirm that they are not concerned in respect of air quality issues and that they have no objections to the proposal.
- 11.15 Additional traffic at the times of school opening and closing will make up a relatively small proportion of the total emission load when assessed over a 12 month period, which the annual mean based air quality objectives require. Users of the facilities can minimise the impact by adopting non car travel.
- 11.16 Environmental Health officer's knowledge from air quality monitoring throughout the district suggests that the objectives are unlikely to be breached in the location of the proposal or local school, and for that reason air quality is not currently monitored in Felsted.  
However, additional emissions generated by the development should still be minimised, and traffic generated will impact on towns and other congested areas within the district, where air quality is an issue. The inclusion of conditions to encourage access by means other than by car, which will also benefit well-being, and infrastructure for low emission vehicles are recommended . The proposal would comply with ULP policy ENV13.

- 11.17 Representations have also been received in respect of the development on the character and setting of nearby Listed Buildings. Policy ENV2 states: that development proposals that adversely affect the setting of a listed building will not be permitted. The nearest listed buildings are Felmoor Farm and Weavers which are both grade II Listed Buildings are 80m and 240m respectively from the application sites boundaries. The existing traffic and predicted increase in traffic using the road network would not have any tangible impact on the setting of the two nearby listed buildings. In view of the separation distance there would be limited visual impact on the setting of the listed buildings.
- 11.18 To the immediate east of the development site lie the remains of a medieval settlement recently identified in excavations (EHER 49073). To the west of the site lies an extensive spread of cropmark evidence (aerial photographic interpretation) which shows a sequence of enclosures and field systems, indicative of an extensively farmed landscape. Cartographic evidence shows a large green running along the northern boundary of the site leading towards Moor's Farm to the north west. As such the site lies within a potentially sensitive area of heritage assets. Specialist archaeological advice is that an archaeological programme of trial trenching followed by an open area excavation is carried out. This can be achieved by appropriate conditions.
- 11.19 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. The site is on relatively sustainable and therefore, in balancing planning merits, taking into account the benefits of the proposal it is considered that the principle of the development is acceptable.

**B Design (Layout and Parking) (ULP policies GEN2 and GEN8)**

- 11.20 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.

The housing mix and parking provision of the individual plots for this application is as per the table below.

Plot	No of	Affordable	Garden Sizes	Parking
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	bedrooms		M/SQ	Provision
1	3		110	3
2	3		164	3
3	3	Y	115	2
4	3	y	137	2
5	4		193	3
6	4		251	3
7	4		242	3
8	2	y	113	2
9	2	y	113	2
10	2 Bung	Y	161	2
11	2 Bung	Y	199	2
12	2	Y	148	2
13	2	Y	129	2
14	2	Y	146	2
15	1 Flat	Y	230	1
16	1 Flat	Y	182	1
17	3		105	2
18	3		155	2
19	3		132	2
20	3		101	2
21	4		241	3
22	4		178	3
23	3		111	2
24	3		148	2
25	3		105	2
26	3		183	2
27	3		155	2
28	4		357	3
Visitor parking				7

- 11.21 The housing mix is broadly consistent with Strategic Housing Market Housing report
- 11.22 All of the units would have private amenity spaces. The Essex Design Guide recommends that dwellings or 3 bedrooms or more should have private amenity spaces of 100sqm+.and 2 bedroom properties 50 sqm+. The gardens shown in the indicative plans indicate that they could accord with the requirements of the Essex Design Guide. Each plot would have adequate private amenity space to accord with the requirements of the Essex Design Guide.
- 11.23 The housing density for the scheme is 18 dph.
- 11.24 The proposed properties are a mixture of one, two, three, and four bedroom dwellings. The adopted Essex County Council parking standards require the provision for one parking space for a one bed roomed 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.
- 11.25 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:

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 plans would comply with the above amended building regulations

- 11.26 The existing issues i.e parking related to the school are not issues for the applicant to mitigate against and any obstructive or dangerous parking would be an enforcement issue.
- 11.27 As set out in the table above it can be seen that each property would be able to meet the required parking standards. There is sufficient space for seven unallocated parking spaces within the development to provide visitor parking. Therefore, the proposals comply with Policy GEN8.
- 11.28 A further benefit of the scheme is that the proposal also indicates the provision of a LAP. 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

**C The access to the site would be appropriate (ULP Policy GEN1);**

- 11.29 The application includes the formation of a new vehicular access road and following advice from the Highways authority revised plans have been received for the existing access into Maranello to be relocated further away from the B1417 junction. This would reduce traffic conflict at the junction. The public right of way, footpath 7, connects Braintree Road to the Flitch Way runs along the northern side of the existing access road. This right of way would be retained. The Highways authority now has no objections to the proposal subject to conditions

**D Affordable Housing, Education Contributions (ULP policies H9, GEN6)**

- 11.30 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.

- 11.31 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;
- 11.32 The site area is 1.5 hectares and as such a provision of 40% affordable housing is required. The proposal now includes 11 affordable units (including two bungalows) The housing enabling officer has confirmed that the proposed mix of affordable housing is acceptable. The affordable housing is integrated across the development and therefore is tenure blind.
- 11.33 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.
- Education Contributions:
- 11.34 The proposed development is located within the Felsted and Stebbing Ward. According to Essex County Council's childcare sufficiency data, published in July 2017, there are 20 unfilled places recorded. For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. The data shows sufficient places to meet the demand from this proposal
- 11.35 A developer contribution will not be sought to mitigate its impact on local EY & C provision.  
Primary Education
- 11.36 This development would sit within the priority admissions area of Felsted Primary School. The school has just 120 places in permanent accommodation and currently uses temporary class bases to provide for the 260 pupils on roll. The school is full in most year groups, including reception, even taking temporary accommodation into account. Viability work is being commissioned to look at its long term accommodation needs. This development would add to that need and thereby, the requirement of a developer contribution is directly related to this proposal. Based on the demand generated by this proposal as set out above, a developer contribution of £119,192, index linked to April 2018, is sought to mitigate its impact on local primary school provision.  
The contribution sought is based on the formula outlined in the Essex County Council Developers' Guide to Infrastructure Contributions, which sets sums based on the number and type of homes built.  
Secondary Education:
- 11.37 The local secondary school serving this area is Helena Romanes. Although there will be a need to expand provision to meet longer term growth, this site is below the threshold set out in the Developers Guide for seeking secondary school contributions.  
The developer has indicated that they are prepared to enter into a Section 106 legal agreement to make a payment of contributions towards education provision. The proposal therefore subject to compliance with the s106 agreement requirements would comply with policy GEN6.

**E            There would be a detrimental impact on protected species (ULP Policy GEN7);**

11.38       Policy GEN7 and paragraph 118 of the NPPF require development proposals to aim to conserve and enhance biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species.. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands.

11.39       An ecological Assessment report has been submitted with the application. The boundary hedgerows were assessed as being the key ecological feature and this is reflected by their retention and protection within the development proposals. The report includes recommendations to mitigate the impacts of development on bats, amphibians and breeding birds and includes a number of enhancement measures.

The proposals include the retention of key trees and hedgerows and the creation of new open space and natural swales and habitats which will provide a net gain in biodiversity on the site. The provision of open space will also play a role in mitigating any recreational impacts on ecological receptors by providing amenities to meet the needs of new residents.

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.

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

11.40       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). The proposals have been considered by the Local Lead Flood Authority who originally raised a holding objection to the proposals. Additional information has been submitted. The LLFA now have no objection to the proposal subject to conditions. The proposals subject to conditions would comply with Policy GEN3 and the NPPF.

**G            Other material planning considerations. (Including cumulative impacts)**

11.41       Reference has been made within the representations received that the proposal is not consistent to the Felsted Neighbouring Plan, however this plan has not been made and therefore carries little planning weight at the current time

11.42       The NPPF paragraph 134 states that where a proposal will lead to less than significant harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this instance 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 and the affordable housing provision proposed outweighs the limited harm to the Listed buildings and their setting.

11.43       Several of the representations have been in respect of the cumulative impact the proposal would have. There is a pending application UTT/18/0784/OP – Land East Of Clifford Smith Drive, on the opposite side of Braintree Road which is for outline application with all matters reserved except for access for the erection of

30 dwellings and an application for 25 dwellings was approved in 2013 under UTT/13/0989/OP also on the east side of Braintree Road, which has now been completed.

- 11.44 The applicants have sent in a response relating to the cumulative impact of the development and in respect of highway impacts a scoping was carried out with ECC in which it was agreed that no specific junction capacity assessment work was necessary on the local highway network. The junction access arrangement to the site from the B1417 is to be improved as part of the development, which would be expected to increase capacity at the access junction and also improve highway safety. The addition of the cumulative traffic effects of the Clifford Smith Drive development do not alter the conclusion that the local highway network is expected to operate with sufficient capacity. In light of the above it is considered that there are no significant cumulative highway impacts. It is considered that there are no significant landscape impacts from the combined developments.
- 11.45 GeoSmart have considered the cumulative effects of surface water drainage from the application proposal for up to 28 dwellings in view of summary comments received on another application, subsequently submitted for 30 dwellings in Watch House Green (Land N&E of Clifford Smith Drive, Watch House Green: application ref: UTT/18/0784/OP).
- 11.46 The proposals for UTT/18/1011/OP would be SUDS compliant with surface water proposed to discharge at the 1 in 1 year return period rate of run-off (greenfield rate of 5 l/s), therefore providing an improvement to the existing drainage regime, water quality and amenity, with less of an impact on the downstream system than currently occurs. Conditions are recommended by Essex CC within response letter ref: SUDS-002643 to ensure such compliance. Conditions require investigation to confirm if the underlying geology is considered conducive to infiltration and if not, surface water will be discharged into the surrounding drainage ditch network. Therefore there will be less net additional impact on the ditches receiving surface water runoff and no flooding issues created. The drainage strategy does not propose at this stage to use the Anglian Water public sewer network to discharge surface water flows, as this would require pumping up gradient, which is not considered to be sustainable. It is considered that there are no significant cumulative drainage issues.
- 11.47 With regard to the impact on local infrastructure, it is relevant to note that the planning system makes provision to mitigate the impacts of development on services such as education and health that can be secured via the formation of a S106 agreement.
- 11.48 In regard of Education, Essex County Council were consulted as part of both applications and have responded requesting a financial contribution to mitigate the impacts of the development upon the nearby primary school in both cases. Based on the indicative accommodation mix, Essex CC has advised that the contributions sought would be £119,112 (Application UTT/18/1011/OP and £114,606 (Application UTT/18/0874/OP)) totalling £233,718 index linked to April 2018. There are therefore positive cumulative impacts with regard to two applications in respect of education.
- 11.49 In respect of health a letter has been submitted from a GP at the local doctor's surgery, John Tasker House Surgery, which confirms that the Felsted Surgery has the capacity to accommodate any new patients generated from both proposed

developments. He also advises that it is intended to operate a new larger and full-time surgery on another site within Felsted. Accordingly, it is considered that there are no significant cumulative health issues.

## **12. 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 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 and GEN8. The housing mix for the development is considered acceptable (ULP policy H10)
- C** The new access road and the relocation of the access to Maranello are considered to be acceptable and to comply with ULP policy Gen1.
- D** The affordable housing mix and tenure split for the development is considered to be acceptable and complies with policy H9 and GEN6.  
The contribution in respect of education £119,112 can be secured by a s106 agreement.
- E** The application provides sufficient information and evidence to demonstrate that the proposals (subject to conditions) would not adversely affect protected species. As such the proposals comply with policy GEN7 and section 11 of the NPPF.
- 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.
- G** Reference has been made within the representations received that the proposal is not consistent to the Felsted Neighbouring Plan, however this plan has not been made and therefore carries little planning weight at the current time. The proposal would not have any material detrimental impact on the setting and character of nearby Listed Buildings.

### **RECOMMENDATION – APPROVAL WITH CONDITIONS SUBJECT TO A 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 4th September 2018 the freehold owner enters into a binding obligation to cover the matters set out below under S106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Finance, in which case he shall be authorised to conclude such an obligation to secure the following:
  - (i) Provision of 40% affordable housing
  - (ii) Provision of open space (LAP)
  - (iii) Maintenance of SuDS
  - (iv) Management company in relation to SUDS and public open space.
  - (v) Payment of contributions towards Education Provision
  - (vi) Pay the Council's reasonable legal costs
  - (vii) Pay the monitoring fee
- (II) In the event of such an obligation being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below

- (III) If the freehold owner shall fail to enter into such an obligation the Director of Public Services shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:

- (i) No provision of affordable housing
- (ii) No provision of open space (LAP)
- (iii) No maintenance of SuDS
- (iv) No provision of Management company in relation to SUDS and public open space,
- (v) non-payment of contribution towards education provision.

## Conditions

1. Approval of the details of 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. 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 Greenfield 1 in 1 for all storm events up to an 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 ULP policy GEN3

- 5 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 GEN3

- 6 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 ULP policy GEN3

- 7 All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Ethos Environmental Planning, April 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may 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 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 in accordance with ULP policy GEN7

- 8 Prior to commencement, a Biodiversity Enhancement Strategy containing the details and locations of the reasonable enhancement measures proposed within the Ecological Assessment (Ethos Environmental Planning, April 2018) shall be submitted to and approved in writing by the local planning authority. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.”

REASON: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species) and paragraph 118 of the NPPF and in accordance with ULP policy GEN7

- 9 Prior to first occupation of the dwellings 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.  
All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

REASON: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with ULP policy GEN7

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

REASON: The Historic Environment Record indicates that the proposed development lies within a potentially sensitive area of heritage assets. To the immediate east of the development site lies the remains of a medieval settlement recently identified in excavations (EHER 49073). To the west of the site lies an extensive spread of cropmark evidence (aerial photographic interpretation) which shows a sequence of enclosures and field systems, indicative of an extensively farmed landscape. Cartographic evidence shows a large Green running along the northern boundary of the site leading towards Moor's Farm to the north west. 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. All archaeological work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office in accordance with ULP policy ENV4

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

REASON: The Historic Environment Record indicates that the proposed

- development lies within a potentially sensitive area of heritage assets. To the immediate east of the development site lies the remains of a medieval settlement recently identified in excavations (EHER 49073). To the west of the site lies an extensive spread of cropmark evidence (aerial photographic interpretation) which shows a sequence of enclosures and field systems, indicative of an extensively farmed landscape. Cartographic evidence shows a large Green running along the northern boundary of the site leading towards Moor's Farm to the north west. 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. All archaeological work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office in accordance with ULP policy ENV4
- 12 No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.
- REASON: The Historic Environment Record indicates that the proposed development lies within a potentially sensitive area of heritage assets. To the immediate east of the development site lies the remains of a medieval settlement recently identified in excavations (EHER 49073). To the west of the site lies an extensive spread of cropmark evidence (aerial photographic interpretation) which shows a sequence of enclosures and field systems, indicative of an extensively farmed landscape. Cartographic evidence shows a large Green running along the northern boundary of the site leading towards Moor's Farm to the north west. 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. All archaeological work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office in accordance with ULP policy ENV4
- 13 The applicant will submit to the local planning authority a post-excavation assessment (to 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: The Historic Environment Record indicates that the proposed development lies within a potentially sensitive area of heritage assets. To the immediate east of the development site lies the remains of a medieval settlement recently identified in excavations (EHER 49073). To the west of the site lies an extensive spread of cropmark evidence (aerial photographic interpretation) which shows a sequence of enclosures and field systems, indicative of an extensively farmed landscape. Cartographic evidence shows a large Green running along the northern boundary of the site leading towards Moor's Farm to the north west. 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. All archaeological work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office in accordance with ULP policy ENV4
- 14 Prior to occupation of any dwelling, the provision of an access formed at right

angles to Braintree Road (B1417), as shown in principle on drawing no. 17/18/02 Rev C (dated Sept 17) to include but not limited to: minimum 5.5 metre carriageway width with a 2 metre wide footway to the south to tie into the existing footway network and clear to ground visibility splays with dimensions of 2.4 metres by a minimum of 90 metres, in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall 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 the interest of highway safety in accordance with Uttlesford Local Plan policy GEN1.

- 15 Prior to occupation of the development the existing access to Marancello at the road junction of Braintree Road shall be relocated to take access off the access road, as shown in principle on drawing no. 17/18/02 Rev C (dated Sept 17). The existing access shall be permanently closed incorporating the reinstatement to full height of the highway verge / footway / kerbing, prior to occupation of the proposed development.

REASON: To remove traffic conflict in the interests of highway safety in accordance with Uttlesford Local Plan policy GEN1..

- 16 Prior to occupation of any dwelling, the provision of the junction to the existing lane shall be constructed and provided with clear to ground visibility splays as shown on as shown on drawing no. 175120-001 Rev A (dated 13/02/2018). Such vehicular visibility splays shall retained free of any obstruction at all times.

REASON: To ensure appropriate access to the existing lane provided and adequate inter-visibility between vehicles using the road junction and the access road the interest of highway safety safety in accordance with Uttlesford Local Plan policy GEN1..

- 17 No dwelling shall be occupied until the associated parking and size 3 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 GEN1.

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

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with ULP policy GEN1

- 19 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON : To ensure compliance with Policy GEN2 (c) of the Uttlesford Local

Plan 2005 and the subsequent SPD on Accessible Homes and Playspace

- 20 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 ULP policy GEN1..

- 21 Any gates provided at any vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from 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 ULP policy GEN1.

- 22 Electric vehicle charging points shall be installed per house. These shall be provided, fully wired and connected ready to use prior to occupation.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport safety in accordance with ULP policy GEN1.

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

REASON: To prevent environmental and amenity problems arising from flooding in accordance with ULP policy GEN3

- 24 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

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 policy GEN2

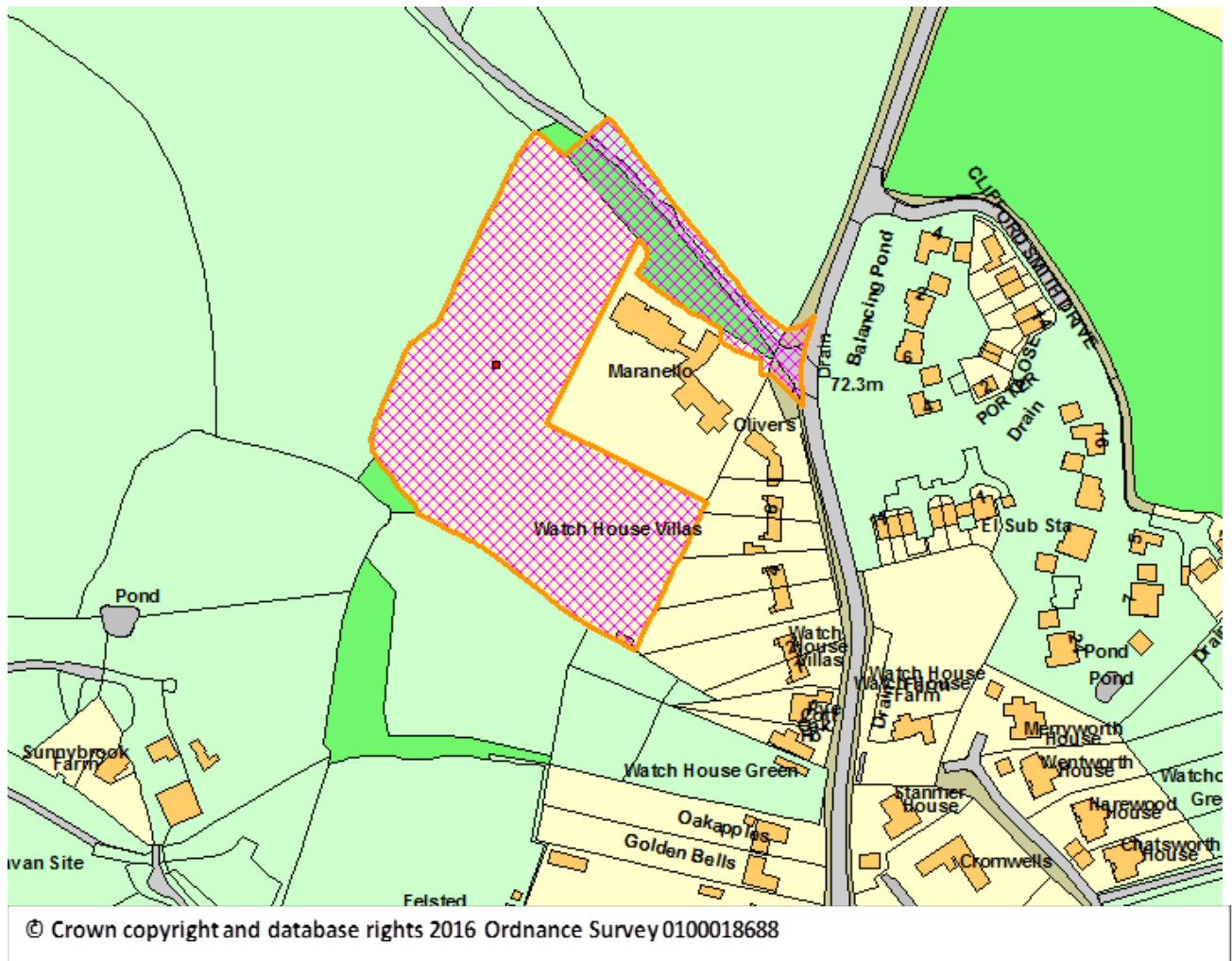
25

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 policy GEN2

Application No. UTT/18/1011/OP

Address: Land West of Maranello, Watch House Green, Felsted.



Organisation: Uttlesford District Council

Department: Planning

Date: 23 July 2018

## UTT/ 18/0784/OP (FELSTED)

<b>PROPOSAL:</b>	<b>Outline application with all matters reserved, except for access, for the erection of up to 30 no. dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping</b>
<b>LOCATION:</b>	<b>Land East And North Of Clifford Smith Drive, Watch House Green Felsted</b>
<b>APPLICANT:</b>	<b>Mr D. Payne</b>
<b>AGENT:</b>	<b>Mr C Loon</b>
<b>EXPIRY DATE:</b>	<b>25<sup>TH</sup> June 2018. Extension of time 8<sup>th</sup> August 2018</b>
<b>CASE OFFICER:</b>	<b>Mrs Madeleine Jones</b>

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### **1. NOTATION**

- 1.1 Outside Development Limits. Within 250m of Local Wildlife Site. SSSI Impact Risk Zones. Adjacent Listed Building (Weavers Farm)

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

- 2.1 The site lies on the Eastern side of the Braintree Road and adjoins existing residential development along the southern western boundary. This adjacent development of 25 dwellings was given planning permission in 2014.
- 2.2 The site is 2.86 hectares , is irregular in shape and is unmanaged scrubland with some young self-sown trees. It is predominantly flat but rises up to the eastern boundary.
- 2.3 The site has hedging along the Braintree Road boundary, to the northern boundary and to the eastern boundary. To the southern boundary there is a post and rail fence. New trees have recently been planted along the common boundary of Clifford Smith Drive. Agricultural land is to the east of site beyond the land set aside for ecological reasons.
- 2.4 On the opposite side of Braintree Road, B1417 at this point is open arable farmland.
- 2.5 A set of electricity pylons run across the site from east to west.
- 2.6 To the north of the site and further along the B1417 is Weavers Farm. There is a group of large deciduous trees on this boundary near to the front of the site. Weavers Farm is Grade II Listed and is approximately 70 m from the northern boundary to the site.
- 2.7 South East of the site is an area set aside for ecological reasons as part of the planning for the adjacent Clifford Smith Drive development. This land is dedicated as a licenced ecological mitigation area for Great Crested Newts, including ponds and

mounds.

- 2.8 There are a number of footpaths and other public rights of way close to the site, including the PROW 15 16 to the north of Weaver Farm to the north, PROW 15 7 along the driveway to Felmoor Farm and PROW 15 15 along the southern edge of the Clifford Smith Drive ecological area.

- 2.9 The land is mainly grade 3 agricultural land.

### **3. PROPOSAL**

- 3.1 Outline application with all matters reserved, except for access, for the erection of up to 30 no. dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping.
- 3.2 The indicative layout shows a mix of dwellings and it is proposed that they would be a range of dwellings from 1 bedroomed bungalow to five bedroomed houses. The indicative proposed mix is 3 x 5 bed, 6 x 4 bed, 12x3 bed, 7x 2 bed and 2 x 1 bed. Of these 40% would be affordable housing and would include one bungalow. The proposed density of the site is 10.5 dwellings per hectare.
- 3.3 It is proposed that three areas of the site would form public open space, one adjacent to the front boundary, one to the south eastern corner and one to the north eastern corner.
- 3.4 The drawings indicate a new footpath at the north eastern corner of the site which would provide a link to the existing FP 15.
- 3.5 An area adjacent to the site, beyond the hedging to the south eastern boundary is proposed for additional ecology mitigation.
- 3.6 The new vehicular access would be created off Clifford Smith Drive to the south of the site.
- 3.7 It is also intended that adult outdoor exercise equipment would be made available on the site

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

- 4.1 The applicants case is supported by a Design and Access Statement, a Planning statement, a completed biodiversity questionnaire, a flood risk assessment, a Great Crested Newt and Reptile Survey Report, Community Consultation Report, A Transport Statement, A landscape and Visual Appraisal, a Preliminary Ecological Appraisal, a Phase 1 Geo-environmental Desk Study Report (contamination) and a cumulative impact assessment.

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

- 5.1 DUN/0302/61 - Site for residential development. Refused
- 5.2 UTT/0892/90 - Construction of outside leisure facilities including lake for angling etc, 4 no tennis courts, bowling green, Approved with conditions.
- 5.3 UTT/0981/91 - Erection for indoor bowling facilities with ancillary parking and removal of four redundant farm buildings. Refused.

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework

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

- S7 – Countryside
- GEN1 – Access
- GEN2 – Design
- GEN3 – Flood Protection
- GEN6 – Infrastructure Provision to Support Development
- GEN7 – Nature Conservation
- GEN8 – Vehicle Parking Standards
- ENV7 – County Wildlife Site
- H9 – Affordable Housing
- H10 – Housing Mix
- ENV13 - Exposure to poor air quality.
- ENV8- Other elements of importance for nature conservation.
- SPD Accessible Homes and Playspace.
- Uttlesford Local Residential Parking Standards.
- The Essex Design Guide
- Parking Standards Design and Good Practice.

## **7. PARISH/TOWN COUNCIL COMMENTS**

- 7.1 The site is outside the settlement development envelope and therefore contrary to UDCs Policy S7. Unlike the Clifford Smith Drive development, the new proposal does not include exception affordable housing, to be reserved in perpetuity for occupation by residents with an existing connection with the village.
1. The development would constitute backfill, in a hamlet with an almost exclusively linear housing pattern.
  2. Felsted has been identified as a Type A village in the emerging Local Plan; the proposed development would equal or exceed the entire expected new housing requirement for the village up to 2033.
  3. The development will add to the pressure on the villages infrastructure:
    - the Primary School is already full in all Years but one
    - the villages GP Surgery is straining to provide acceptable waiting times for appointments the proposal would potentially add a further 90-120 patients.
  4. There are already problems of water supply pressure in the area, which will be exacerbated by the proposed size of the development.
  5. Access to the estate is close to a blind corner on the B1417 Braintree Road. The potential addition of a further 60 vehicles using this raises concerns over road safety.
  6. The mitigation ponds for the existing Clifford Smith Drive development are ecologically dead.
- Further reports on the problems here should be obtained before the present application is considered.

## **8. CONSULTATIONS**

### **ENVIRONMENTAL HEALTH**

- 8.1 No objections to proposals. A condition requiring a Construction Environmental Management Plan is recommended.

### **ESSEX COUNTY COUNCIL HIGHWAYS**

- 8.2 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.

### **ANGLIAN WATER**

- 8.3 Section 1 – Assets Affected  
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**

The foul drainage from this development is in the catchment of Felsted Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

#### **Section 3 – Foul Sewerage Network**

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

#### **Section 4 – Surface Water Disposal**

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

Not applicable.

### **ESSEX COUNTY COUNCIL - EDUCATION**

- 8.4 I have assessed the application on the basis of 30 houses. Assuming that all of the units are homes with two or more bedrooms, a development of this size can be expected to generate the need for up to 2.70 early years and childcare (EY & C ) places, 9.00 primary school and 6.00 secondary school places.  
The developer contribution figures are calculations only. Final payments will be based on the actual unit mix and the inclusion of indexation.  
The proposed development is located within the Felsted and Stebbing Ward. According to Essex County Council's childcare sufficiency data, published in July 2017, there are 17 unfilled places recorded. For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. The data shows sufficient places to meet the demand from this proposal. A developer contribution will not be sought to mitigate its impact on local EY & C provision.  
Primary Education
- 8.5 This development would sit within the priority admissions area of Felsted Primary School. The school has just 120 places in permanent accommodation and currently uses temporary class bases to provide for the 260 pupils on roll. The school is full in most year groups, including reception, even taking temporary accommodation into account. Viability work is being commissioned to look at its long term accommodation needs. This development would add to that need and thereby, the requirement of a developer contribution is directly related to this proposal. Based on the demand generated by this proposal as set out above, a developer contribution of £114,606.00 index linked to April 2018, is sought to mitigate its impact on local primary school provision. This equates to £12,734 per place.  
The contribution sought is based on the formula outlined in the Essex County Council Developers' Guide to Infrastructure Contributions, which sets sums based on the number and type of homes built. The contribution would thus be fairly and reasonably related in scale and kind to the development and thereby, Community Infrastructure Levy regulation 122 compliant. Five obligations naming the project alluded to above have not been entered into at this time and any section 106 agreement in favour of primary school place is, therefore, also regulation 123 compliant.  
Secondary Education:
- 8.6 The local secondary school serving this area is Helena Romanes. Although there will be a need to expand provision to meet longer term growth, this site is unlikely to be one of the five most significant developments. Due to CIL regulation 123 a developer contribution towards secondary school places is not sought on this occasion. Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council will not be seeking a school transport contribution; however, the developer should ensure that safe and direct walking and cycling routes to local schools are available
- 8.7 In view of the above, I request on behalf of Essex County Council that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on primary education. Our standard formula s106 agreement

clauses that ensure the contribution would be fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

## **CRIME PREVENTATION**

- 8.8 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, environmental, 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.

## **HOUSING ENABLING OFFICER**

- 8.9 The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more units and 20% on schemes 11-14 units.
- 8.10 The affordable housing provision on this site will attract the 40% policy requirement as the site is for 30 (net) units. This amounts to 12 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.
- 8.11 It is also the Councils' policy to require all units delivered to the Lifetimes Home Standard with 5% being wheelchair accessible as well as 5% of all units to be bungalows delivered as 1 and 2 bedroom units. This would amount to 2 bungalows across the site delivered as 1 affordable unit and 1 for open market.
- 8.12 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.

8.13

	1 bed	2 bed	3 bed	1 bed bungalow	Totals
Total affordable unitsd	3	6	2	1	12
Affordable Rent	1	4	2	1	8
Shared ownership	2	2			4

## **AERODROME SAFEGUARDING**

- 8.14 The Safeguarding Authority for Stansted Airport has assessed this proposal and potential to conflict aerodrome Safeguarding criteria and have no objections.

## **UK POWER NETWORK**

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

## **NATS SAFEGUARDING**

- 8.16 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria.

## **ARCHAEOLOGY**

- 8.17 Recommendation: archaeological programme of trial trenching followed by preservation in situ, or open area excavation, to be secured by conditions.

## **ECOLOGY PLACE SERVICES**

- 8.18 Following a holding objection due to insufficient ecological information, further information has been submitted. They are now satisfied that there is sufficient ecological information available for determination
- 8.19 This provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. I support the reasonable biodiversity enhancements that should also be secured by a condition on any consent. The revised layout will now create 0.63 hectares of common lizard habitat on site which will be ecologically linked to 0.32ha mitigation area for great crested newt adjacent to the pre-existing mitigation area (application UTT/13/0989/OP).  
This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.
- 8.20 The mitigation measures identified in the Addendum to Great Crested Newt and Reptile Survey Report (Hybrid Ecology) dated 26th June 2018 should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species particularly common lizards and great crested newts.  
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 in the Preliminary Ecological Appraisal Report (T4 Ecology Ltd, March 2018) will contribute to this aim.
- 8.21 Permission should be subject to conditions.

## **Lead Local Flood Authority**

- 8.22 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.

## **9. REPRESENTATIONS**

- 9.1 Neighbours were notified of the application by letter and site notices were displayed at the front of the site. The application has been advertised in the local press. 27 representations have been received. Expiry date: 7<sup>th</sup> May 2018
- 9.2 The following concerns have been raised:
- The proposal would increase the boundary of the village which would impact on the scale and size of the village and would set a precedent for more movement if agreed.
  - Ecology, wildlife and flora, bats, deer, barn owls, badgers, frogs, hares, reptiles and birds.
  - Inadequate amenities

- Local school is full. Any financial inducement to Felsted Primary School would be irrelevant. The response from Essex County Council that the primary school could expect 9 extra places to arise from these houses seems to be contradictory to simple mathematics and using common sense. With potentially 30 families moving into the area, then the aggregated number of children per housing using ECC's numbers is 0.3. This number seems particularly low and I believe that in reality it would be higher. This would likely be one of those examples, when reality does not meet the projection and the school would be pushed beyond breaking point with local families missing out on local provision of education, and those currently within it could suffer as a result.
- Local doctor's surgery is full. Where would the additional 100 potential patients be treated?
- Flood risk and drainage issues
- Traffic congestion at Felsted primary school junction.
- Highway Safety.
- This planning application is at odds to the Uttlesford housing plan which looks to create housing in areas where there is sustainable local services.
- Inadequate infrastructure.
- Out of keeping with the character of the area
- There is no need for these new homes. The commitment to our local area by proposed development north of the A120 more than covers our areas contribution
- Any carrot offered by the developers in respect of affordable homes is meaningless in the light of the affordable home element of the new town to the north of the A120.
- Impact on character of the area
- The soon to be published village plan is a serious piece which maps out the future of the area in a careful way. Ad hoc and opportunistic developments such as this proposal play no part in this considered piece of work and should therefore be rejected.
- The site is outside development limits for the village.
- Lack of infrastructure in areas such as water pressure, drainage etc. Developers should realise that any mitigation goes beyond simple financial contribution and a responsibility to ensure that work is carried out prior to the construction of houses, not after, when their aims have been met and their interests are elsewhere.
- This is not sustainable development, rather opportunistic and ultimately only for the benefit of the land owners whose aims are return on investment, and care little for the opportunities they destroy.
- Cumulative impact
- Loss of view.
- Irreversible changes to the village identity and further development will be an insult to those local residents who have worked hard to maintain its history, identity and sense of community.
- I do not find the overhead power cables unsightly or unattractive; in fact one is amazed by the wide variety of birds that perch there.
- UDC housing strategy 2016-21 implies that they will be supporting parish councils to bring forward rural housing schemes to meet the needs of their local communities, yet no evidence has been provided that supports this development is needed for local residents. Cllr Redfern's introduction to the same strategy puts forward UDC's commitment to rural location" This council will continue to contribute to the Rural Community Council for Essex (RCCE) to help parish councils plan for exception sites which are so important in

keeping our village communities vibrant and giving local people the opportunity to live where they have roots and personal connections” again I show my objection to this development and recommend that the planning department give this site exception status of which the parish has all responsibility for decisions relating to this site.

- The quality of life of existing residents will be reduced through the additional noise, traffic and building works associated with the proposed development.
- The proposal would devalue the new homes.
- There has been numerous accidents over the last 5 years along this stretch of road, in fact so many over the bridge by Weavers Farm that the parish council funded road signs to be placed in an attempt to reduce the number of accidents.
- There is little employment locally so the majority of residents commute further afield for work. There are two bus routes that service Felsted, the 133 that runs between Colchester and Stansted and the number 16 that goes to Chelmsford. But to say these are regular and reliable is simply not true. They run an hourly service during peak times only. The service is not an option for many of those needing to get to and from work.
- There was a stretch of 300m of ancient hedgerow which was removed to make way for the development of Olsted Grange, even though on the original application it was stated that this hedgerow should remain. How can we be reassured that the existing hedgerows would be kept. A vast number of trees were taken down for the Olsted Grange development and if this is proposed development was to go ahead the same sort of number would be taken away , including young oak trees and fruit trees.
- Affordable housing – what assurances would be given that the affordable housing would be for local people?
- Flooding. Any sort of heavy rainfall leaves part of the B1471 constantly flooded.
- Impact of construction traffic.
- Light pollution.
- Severe and irreversible biodiversity loss.
- Litter from the builders.
- The hamlet of Watch House Green cannot sustain this level of development.
- Overdevelopment
- The play area should be suitable for a wider range of children should be agreed formally prior to any approval
- Each small development like this closes the gap between hamlets and is another step closer to turning Felsted from a village to a town. Granting permission also paves the way for other developments which all contributes to altering the character of our beautiful village
- Issues relating to ecology relating to planning application UTT/13/0989/OP not being completed.

One representation has been received in support

- 9.3
- I believe a well constructed house and design together with professional landscaping would much improve the parcel of land. I find it difficult to deny others the same opportunity to live in a new house in a splendid area.

## 10. APPRAISAL

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

- A The development of this site for residential purposes is appropriate (NPPF, ULP Policies S7, GEN2, GEN3, H9, ENV2,H10);
- B The access to the site would be appropriate (ULP Policy GEN1);
- C There would be a detrimental impact on protected species (ULP Policy GEN7);
- D Affordable Housing, Education Contributions (ULP policies H9, GEN6)
- E Flood Risk and drainage (ULP Policy GEN3; NPPF)
- F Other material planning considerations.

**A The development of this site for residential purposes is appropriate (NPPF, ULP Policies S7, GEN2, GEN3, H9, H10);**

- 10.1 This scheme is for up to 30 residential units of which 12 would be affordable and the remainder would be market housing. In policy terms the site is located outside the development limits for Felsted 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.
- 10.4 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.
- 10.5 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.

- 10.6 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).
- 10.7 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.
- 10.8 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) twelve affordable housing units, public open space and one bungalow and adult outdoor exercise facilities . 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 and outdoor exercise facilities. Felsted has access to bus services to other nearby towns and centres of employment. The local primary school is within easy walking distance from the site, although the proposal would also have a negative impact by putting more strain on the local infrastructure and demand for school places and local surgeries. The site is well served by bus routes, providing access between Watch House Green/Felsted and Great Dunmow, Chelmsford, Braintree, Stansted Airport and Colchester to further facilities. In respect of health a letter has been submitted from a GP at the local doctor's surgery, John Tasker House Surgery, which confirms that the Felsted Surgery has the capacity to accommodate any new patients generated from both proposed developments( including the Maranello proposal UTT/18/1011/OP. He also advises that it is intended to operate a new larger and full-time surgery on another site within Felsted. Accordingly, it is considered that there are no significant cumulative health issues. This would have some weight in favour of the positive contribution the proposal could make in these regards.
- 10.9 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. At present Felsted Parish forms a group of hamlets which are each separated by open countryside. There is a new development of residential housing to the south west of the site and a Grade II listed building to the north beyond hedging and landscaping. The indicative layout shows rear garden to properties backing onto the boundary with Weavers Farm. Opposite the site is open countryside and to the east of the site is further open countryside. The front of the site is screened from the road by mature landscaping. The proposal would introduce an element of built form within the open countryside, which would have some impact on the character of the area. Appearance, landscaping, layout and scale are all matters to be reserved should outline planning permission be granted. The indicative drawings indicate a range and scale of dwellings which would appear to be appropriate in this location. The landscaping concept would provide for a green approach to the village and development set back into the site with a hedgerow to the highway frontage. Existing hedging to the front, north and east of the site would remain. Trees to the south western boundary with Clifford Smith Drive would also remain. New planting would compensate for any young trees needing to be removed

for the access. The overhead power lines would be relocated underground. There would be impact on ecology, however this is discussed further below. Additionally the proposal would link to existing pedestrian footpaths and rights of way.

- 10.10 The Historic Environment Record indicates that the proposed development lies within a potentially highly sensitive area of heritage assets. Archaeological excavation in the adjacent housing development found the remains of Saxon and medieval occupation. The archaeological investigation identified a series of linear features, pits and post holes indicative of settlement edge development with finds of Saxon, medieval and post medieval date. The presence of Late Saxon material is rare in Essex and this with the presence of medieval finds and features suggest this may be the remains of a manor site. . Specialist archaeological advice is that an archaeological programme of trial trenching followed by an open area excavation is carried out. This can be achieved by appropriate conditions.
- 10.11 A further material consideration is that the site is an allocated site (Policy FEL2) within the Regulation 19 Local Plan, although this have very limited weight at this point in time.
- 10.12 This application is an outline application with all matters , except access, reserved. Therefore there are no specific details in relation to dwelling types. Policy H10 has a requirement for sites of 0.1 hectares and above to include a significant 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 Accesible Homes and playspaces also requires that developments of 10 and over should provide bungalows.

- 10.13 The indicative drawings submitted and information within the Design and Access Statment show a mix of housing which would be broadly consistent with the Strategic Housing Market Housing report consisiting of a mix of 1,2,3,4 and 5 bedroomed properties.
- 10.14 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:

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 indicative plans show two bungalows. The above requirement can be secured by a suitable condition.

- 10.15 All of the units would 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 50 sqm+. The gardens shown in the indicative plans indicate that they could accord with the requirements of the Essex Design Guide. Each plot would have adequate private amenity space to accord with the requirements of the Essex Design Guide.
- 10.16 The indicative plans show that there would be sufficient space for the required parking provision to be provide for the size of dwellings proposed, however insufficient visitor parking spaces are shown. In order to comply with the adopted parking standards, 7 visitor parking spaces would be required.
- 10.17 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. The site is relatively sustainable and is allocated within the Regulation 19 Local Plan, therefore, in balancing planning merits, taking into account the benefits of the proposal it is considered that the principle of the development is acceptable.

**B The access to the site would be appropriate (ULP Policy GEN1);**

- 10.18 The proposed development would utilise the access and spine road that already serves the recently approved, residential development located to the south of the site. The development would result in an increase in the number of vehicle movements using the access road and local network. This intensification has the potential to have a detrimental impact on the amenity of the occupiers of the dwellings that are located adjacent to the spine road, close to the access with Braintree Road and also local residents.
- 10.19 The new access would involve the removal of trees, however, additional planting would be carried out to mitigate against their loss.
- 10.20 The existing issues i.e parking related to the school are not issues for the applicant to

mitigate against and any obstructive or dangerous parking would be a law enforcement issue.

- 10.21 In order to facilitate walking or cycling journeys new footpath links are proposed from the site to enable pedestrians to use the footpath on the western side of the Braintree Road. This would enable safe access to the school and bus stop and also to the wider village facilities.
- 10.22 A new rural footpath link is also proposed from the site to the sites North east corner where it would join up to footpath FP15. This link would allow the new and existing residents to access the footpath without the need to access the footpath at the existing point further along Braintree Road.
- 10.23 In response to representations received, the applicants have sent in a response relating to the cumulative impact of the development in respect of highway impact and state that given the capacity assessment undertaken at the Braintree Road junction indicated ample residual capacity, the cumulative traffic generated by this application and the pending application utt/18/1011/OP can be accommodated well within the capacity of the existing junction.
- 10.24 Essex County Council Highways have been consulted and have no objections to the proposal subject to conditions.
- 10.25 The proposal would meet the aims of GEN1.

**C      There would be a detrimental impact on protected species (ULP Policy GEN7);**

- 10.26 Policy GEN7 and paragraph 118 of the NPPF require development proposals to aim to conserve and enhance biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species.. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands.
- 10.27 A Preliminary Ecological Appraisal report was submitted with the application, however the report recommends further surveys for great crested newts and common lizards. The report discusses the 'existing ecology area' (approx. 1ha) this will also be surveyed and is available for mitigation along with an additional 0.32ha. However the red line boundary area and this ecology area were used as the mitigation habitat for these species for the application UTT/13/0989/OP under licence number 2015-7487-EPS-MIT. The survey and assessment report would therefore need to include detailed calculations for mitigation and compensation for loss of this habitat to be provided prior to determination. As such further information was sought.
- 10.28 A Great Crested Newt and Reptile Survey report was subsequently submitted, however as mentioned above the area referred to as the ecology/mitigation area was previously used as mitigation habitat for impacts to great crested newt and common lizard populations from application UTT/13/0989/OP under licence number 2015-7487-EPS-MIT. This area has not been managed appropriately for these species and ecology advice was that it is not appropriate to now re-use this area as mitigation for the impacts associated with this scheme.

The Great Crested Newt Mitigation Guidelines (English Nature) state that habitat loss is a long-term impact and the greater the predicted impact, the greater the level of mitigation will be required. There should be no net loss of sites, and in fact where significant impacts are predicted there will be an expectation that compensation will provide an enhanced habitat (in terms of quality or area) compared with that to be

lost.

- 10.29 A revised layout was submitted which would now create 0.63 hectares of common lizard habitat on site which will be ecologically linked to 0.32ha mitigation area for great crested newt adjacent to the pre-existing mitigation area (application UTT/13/0989/OP). Essex County Council ecologists now have no objections to the proposal subject to the mitigation measures identified in the Addendum to Great Crested Newt and Reptile Survey Report (Hybrid Ecology) dated 26th June 2018 being secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species particularly common lizards and great crested newts. As all the land is within the applicants ownership for onsite and off site improvements to habitats this can be secured by appropriate conditions.
- 10.30 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.

**D Affordable Housing, Education Contributions (ULP policies H9, GEN6)**

- 10.31 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 2.8 hectares and as such a provision of 40% affordable housing is required. The proposal would include 12 affordable units (including one bungalow)  
The housing enabling officer has confirmed that the proposed mix of affordable housing is acceptable. The affordable housing is integrated across the development and therefore is tenure blind. The site is not classified as an exception site and as such any affordable housing delivered by the development would have to go to meeting the general housing need of the district..
- 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
- 10.32 Education Contributions:  
The proposed development is located within the Felsted and Stebbing Ward. According to Essex County Council's childcare sufficiency data, published in July 2017, there are 20 unfilled places recorded. For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. The data shows sufficient places to meet the demand from this proposal  
A developer contribution will not be sought to mitigate its impact on local EY & C provision.  
Primary Education
- 10.33 This development would sit within the priority admissions area of Felsted Primary School. The school has just 120 places in permanent accommodation and currently uses temporary class bases to provide for the 260 pupils on roll. The school is full in

most year groups, including reception, even taking temporary accommodation into account. Viability work is being commissioned to look at its long term accommodation beds. This development would add to that need and thereby, the requirement of a developer contribution is directly related to this proposal. Based on the demand generated by this proposal as set out above, a developer contribution of £114,606.00 index linked to April 2018, is sought to mitigate its impact on local primary school provision. This equates to £12,734 per place

The contribution sought is based on the formula outlined in the Essex County Council Developers' Guide to Infrastructure Contributions, which sets sums based on the number and type of homes built.

Secondary Education:

- 10.34 The local secondary school serving this area is Helena Romanes. Although there will be a need to expand provision to meet longer term growth, this site is unlikely to be one of the five most significant developments. Due to CIL regulation 123 a developer contribution towards secondary school places is not sought on this occasion.
- 10.35 The developer has indicated that they are prepared to enter into a Section 106 legal agreement to make a payment of contributions towards education provision. The proposal therefore subject to compliance with the s106 agreement requirements would comply with policy GEN6.

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

- 10.36 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.
- 10.37 The application has been submitted with a Flood Risk Assessment and this indicates that the site can be developed in such a manner that flooding would not result. The Lead Local Flood Authority have no objection to the proposal subject to conditions. The proposals subject to conditions would comply with Policy GEN3 and the NPPF.

#### **F Other Material Planning Considerations**

- 10.38 Several of the representations have been in respect of the cumulative impact the proposal would have. There is a pending application UTT/18/1011/OP –, on the opposite side of Braintree Road which is for outline application with all matters reserved except for access for the erection of 28 dwellings and an application for 25 dwellings was approved in 2013 under UTT/13/0989/OP also on the east side of Braintree Road, which has now been completed.
- 10.39 Concerns have been raised in representations about the increased pressure the development would put on the local surgery and the local primary school. The ECC Education Department has considered the proposals and would require a financial contribution towards the provision of additional school places should the development proceed. This could be secured by the way of a S106 Agreement if planning permission was to be granted.
- 10.40 The Parish Councils comments have been noted, however it is considered that (as explained earlier) greater weight should be given to the lack of five year land supply of deliverable sites for residential development. In such circumstances the NPPF specifies that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot

demonstrate a five-year supply of deliverable housing sites”.

- 10.41 The applicant's transport consultant, offers the following comment regarding application UTT/18/1011/OP and cumulative highway impacts with application UTT/18/0784/OP :
- The proposed 28 unit development would generate an additional 17 movements in the AM peak and 19 in the PM peak based on their assessment. The cumulative trip generation that could be associated with both developments would be an additional 48 movements in the AM peak and 45 movements in the PM peak. Given the capacity assessment undertaken at the Braintree Road junction indicates ample residual capacity, the cumulative traffic generated by both proposals can be accommodated well within the capacity of the existing junction without any significant queuing or delay. Additionally, application UTT/18/1011/OP carried out a scoping opinion with Essex County Council Highways department as part of their application in which it was agreed that no specific junction capacity assessment work was necessary on the local highway network. There are accordingly no significant cumulative highway impacts.
- 10.42 Reference has been made within the representations received that the proposal is not consistent to the Felsted Neighbouring Plan, however this plan has not been made and therefore carries little planning weight at the current time
- 10.43 Foul Drainage
- The applicants have carried out a 'pre-development enquiry' and Anglian Water confirm that their network (effectively the pipes between the site and the WRC) has capacity to accept the foul water flows from the development. Anglian Water have indicated they will upgrade the WRC to accept the proposed flows and so have effectively reserved provision for this, following the pre-development enquiry which has made them aware of the proposed development.
- Regarding UTT/18/1011/OP, the relevant report (Landvest Utilities Assessment – para 2.10) indicates that a Klargestor system will be used to treat foul waste but conversely the application form indicates that the main sewer will be used for this purpose. If a Klargestor system is used, there would be no foul waste flowing to the WRC and therefore no additional impact upon the network or the WRC itself. If the main sewer is proposed, then Anglian Water have advised that their network would have capacity to accept the foul flows.. Whilst application UTT/18/1011/OP does not contain a pre-development enquiry from Anglian Water , the application has attracted a consultation response and Anglian Water indicate that if the WRC needs to be upgraded to cater for the foul flows from UTT/18/1011, they would do this. It is their legal responsibility and hence not a planning issue.
- 10.43 Water pressure has been raised as an issue in local representations. However, the applicants have confirmed with Affinity Water, which has a main running along Braintree Road and also along Clifford Smith Drive, that they would boost pressure where required. Accordingly, it is submitted that there are no significant cumulative drainage and water infrastructure issues.
- 10.44 The planning system makes provision to mitigate the impacts of development upon local infrastructure, for example education and health facilities.
- Essex CC are aware of both applications and have made assessments. In both cases they have sought a financial contribution to mitigate the impacts of the development upon the nearby primary school. Based on the indicative accommodation mix, Essex CC has advised that the contributions sought would be £114,606 (Application UTT/18/0874/OP) and £119,112 (Application UTT/18/1011/OP) totalling £233,718 index linked to April 2018. This is a significant

sum and should allow some elements of permanent accommodation to be provided the school. There are several demountable classrooms at this school and the contributions (possibly with any others which 'may' be secured from other developments in the future) should not only mitigate impacts but also enhance the quality of educational provision. Because of the limited number of developments in the catchment area which could trigger a need for educational financial contributions, there is infrequent potential to realise privately funded improvements to the primary local school. There are positive cumulative impacts against the above background.

- 10.47 The local GP surgery in Felsted is a branch surgery of John Tasker House in Gt. Dunmow. No significant cumulative effects therefore arise under local health care. A letter has been submitted from a GP at the local doctor's surgery, John Tasker House Surgery, which confirms that the Felsted Surgery has the capacity to accommodate any new patients generated from both proposed developments. He also advises that it is intended to operate a new larger and full-time surgery on another site within Felsted. Accordingly, it is considered that there are no significant cumulative health issues.

## 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, affordable housing and open space, which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7. The site is also an allocated site within the Regulation 19 Local Plan. Therefore, in balancing planning merits, it is considered that principle of development is acceptable
- B** The proposal would comply with the aims of GEN1
- C** The application now provides sufficient information and evidence to demonstrate that the proposals (subject to conditions) would not adversely affect protected species, namely reptiles and great crested newts. As such the proposals comply with Policy GEN7 and section 11 of the NPPF.
- D** The affordable housing mix and tenure split for the development is considered to be acceptable and complies with policy H9 and GEN6.  
The contribution in respect of education £114,606 can be secured by a s106 agreement.
- E** There would be no material detrimental cumulative impact caused to warrant refusal of the proposal.

### **RECOMMENDATION – APPROVAL WITH CONDITIONS subject to a S106 Legal Obligation**

1. 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 4th September 2018 the freehold owner enters into a binding obligation to cover the matters set out below under S106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Finance, in which case he shall be authorised to conclude such an obligation to secure the following:
  - (i) Provision of 40% affordable housing
  - (ii) Provision of open space and outside adult exercise equipment
  - (iii) Maintenance of SuDS
  - (iv) Management company in relation to SUDS and public open space and outside exercise equipment.

- (v) **Payment of contributions towards Education Provision**
  - (vi) **Pay the Council's reasonable legal costs**
  - (vii) **Pay the monitoring fee**
2. **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**
3. **If the freehold owner shall fail to enter into such an obligation the Director of Public Services shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:**
- (i) **No provision of affordable housing**
  - (ii) **No provision of open space or exercise equipment**
  - (iii) **No maintenance of SuDS**
  - (iv) **No provision of Management company in relation to SUDS and public open space,**
  - (v) **non-payment of contribution towards education provision.**

### **Conditions**

- 1 Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.
- REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.
- REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 3 The development hereby permitted shall be begun not later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.
- REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 4 No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority
- REASON: In view of the historic importance of the site, in accordance with Utilesford District Local Plan Policy Local plan policy ENV4.

- 5 A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work and before any reserved matters are agreed.  
Reason: In view of the historic importance of the site, in accordance with Uttlesford District Local Plan Policy Local plan policy ENV4.
- 6 No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.  
  
REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with Uttlesford District Council Local Plan policy ENV4.
- 7 The applicant will submit to the local planning authority a post-excavation assessment (to 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: In view of the historic importance of the site, in accordance with Uttlesford District Local Plan Policy Local plan policy ENV4.
- 8 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- ☐ Limiting discharge rates to the 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 policies GEN2 and GEN3 of Uttlesford Local Plan adopted 2005

- 10 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 policies GEN2 and GEN3 of Uttlesford Local Plan adopted 2005
- 11 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 policies GEN2 and GEN3 of Uttlesford Local Plan adopted 2005
- 12 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 policies GEN2 and GEN3 of Uttlesford Local Plan adopted 2005
- 13 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition. REASON : To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace
- 14 Prior to occupation of any dwelling, the provision of an access formed at right angles to Clifford Smith Drive, as shown in principle on drawing no. DR1 (dated 06/03/2018), to include but not limited to: minimum 5.5 metre carriageway width with two 2 metre wide footways (around each radii) extending along Clifford Smith Drive to suitable

dropped kerb pedestrian crossing points across Clifford Smith Drive, and a clear to ground visibility splay with dimensions of 2.4 metres by 25 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 the interest of highway safety. In accordance with Uttlesford Local Plan Policy GEN1.

- 15 Prior to occupation of any of the proposed dwellings, a pedestrian link to connect the proposed development to public footpath no. 15 (Felsted) shall be provided. Details of the pedestrian link, including a suitable surface, shall be submitted to the Local Planning Authority, in consultation with the Highway Authority, and approved prior to occupation of any dwelling.

REASON: In the interest of highway safety and accessibility. In accordance with Uttlesford Local Plan Policy GEN1.

- 17 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.

- 18 Prior to commencement, all ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Addendum to Great Crested Newt and Reptile Survey Report (Hybrid Ecology) dated 26th June 2018 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

REASON: 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 Uttlesford Local Plan Policy GEN7.

- 19 Prior to occupation, all ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (T4 Ecology Ltd, March 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes retaining hedgerows for bats, permeable boundaries for hedgehogs, the installation of bat and bird boxes.

REASON: 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 paragraph 118 of the NPPF and in accordance with Uttlesford Local Plan Policy GEN7.

- 20 Prior to occupation, 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, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the

scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and paragraph 118 of the NPPF and in accordance with Uttlesford Local Plan Policy GEN7.

- 21 The proposed development that may harm great crested newts shall not in any circumstances commence unless the local planning authority has been provided with either:

- ☐ a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
- ☐ a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and paragraph 118 of the NPPF and in accordance with Uttlesford Local Plan Policy GEN7.

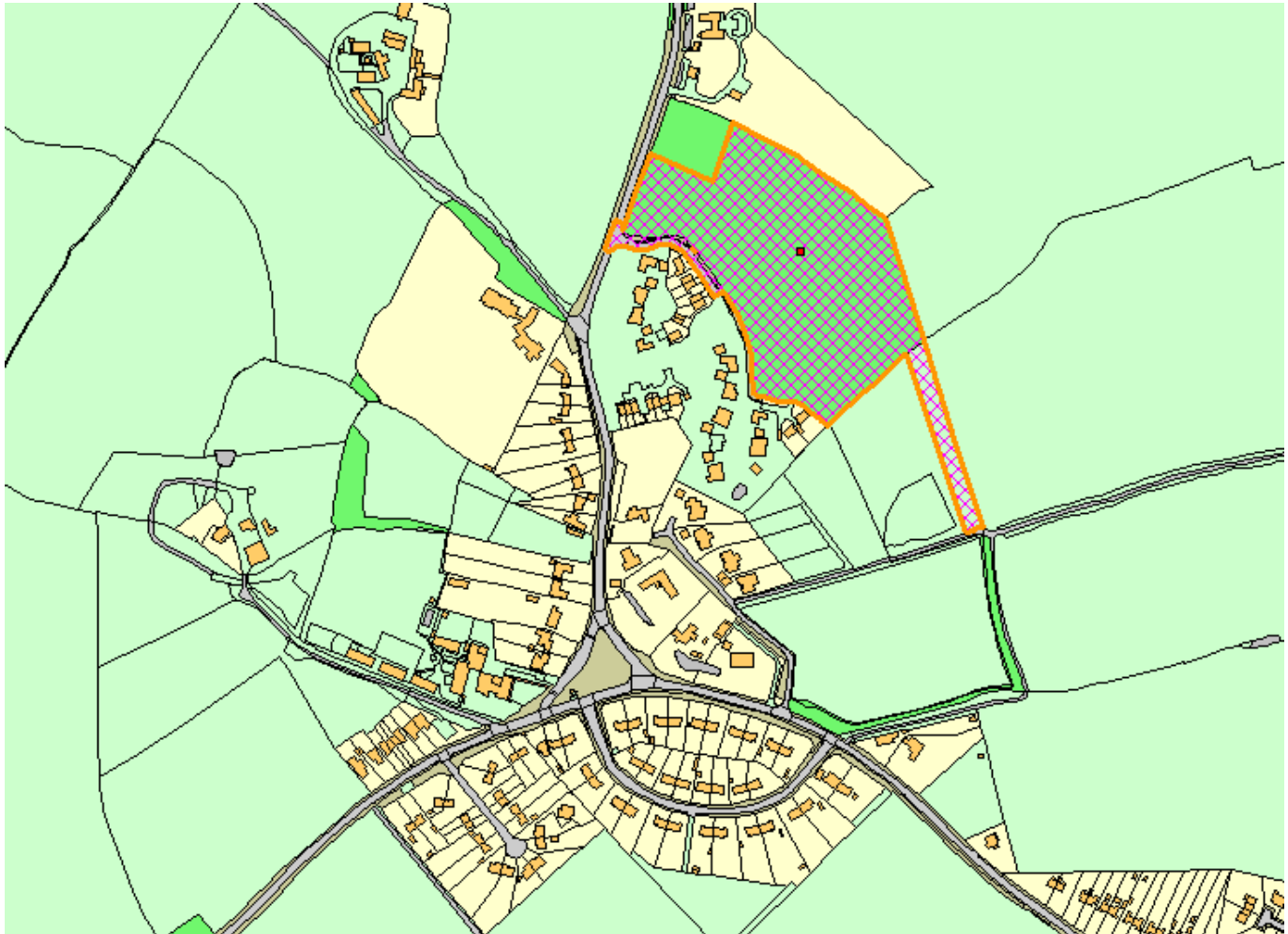
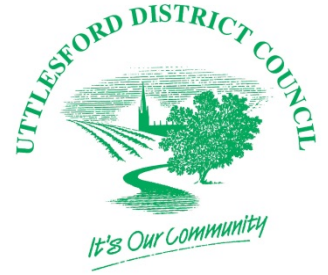
- 22 Prior to occupation a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior *to the occupation* of the development. The content of the LEMP shall include the following.
- a) Description and evaluation of features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

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

REASON: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and paragraph 118 of the NPPF and in accordance with Uttlesford Local Plan Policy GEN7.

Application: UTT/ 18/0784/OP

Address: Land East And North Of Clifford Smith Drive, Watch House Green



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Organisation: Uttlesford District Council

Department: Planning

Date: 16 July 2018

**UTT/18/1299/FUL - (SAFFRON WALDEN)**  
(Major)

<b>PROPOSAL:</b>	<b>Amendments to planning application UTT/13/0268/FUL, incorporating amendments approved under UTT/17/1782/FUL to allow the change of use of Unit 3 from Class A1 retail to Class D2 Gym</b>
<b>LOCATION:</b>	<b>Site At Thaxted Road (former Civic Amenity And Granite Site), Thaxted Road, Saffron Walden</b>
<b>APPLICANT:</b>	<b>Granite Thaxted Road Limited</b>
<b>AGENT:</b>	<b>Barton Willmore</b>
<b>EXPIRY DATE:</b>	<b>6 July 2018</b>
<b>CASE OFFICER:</b>	<b>Maria Shoesmith</b>

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**1. NOTATION**

- 1.1 Part within Development Limits/Part within Employment Land, Part within Employment Land to be Safeguarded

**2. DESCRIPTION OF SITE**

- 2.1 The site is situated on the southern approach to Saffron Walden on the eastern side of the B184. The site as a whole is roughly rectangular in shape, incorporating the former Civic Amenity site, a former Highways Depot, an open field and the site formerly occupied by Granite. The frontage of the site is approximately 190m and the site has a depth of approximately 175m (3.33ha). An access road to the new Community Recycling Centre (CRC), Highways Depot and Howdens building also forms part of the application site. This new access road was constructed to serve the new CRC and Highways Depot and effectively determines the proposed levels within the site.
- 2.2 The site runs from south east to north west and the ground levels vary by several metres, falling away towards the northwest. The site levels have since varied since the assessment of the first application as the first phase of the development has been implemented in the form of the Aldi store, which is located to the front of the site. The Discount food store unit has a height ranging between 6.4 -8.6m, and a floorspace of 1,578 square metres. This unit would be similarly constructed to the other proposed units.
- 2.3 The byway running along the northern edge of the site is approximately 5m lower than the proposed site levels. This difference in site and highway levels forms a landscape buffer zone screening the site. The plot to the southeast is at a higher ground level to the rest of the application site also framed by a bank of landscaping.
- 2.4 Within the application site, to the east, are the former buildings occupied by Granite. Adjacent to the access road is the former Civic Amenity Point (CAP) which is hard surfaced and to the north east of the CAP is an area formerly used as a Highways Depot. This area is covered in hard material, predominantly old broken up road surfacing material. To the north east of this, and adjacent to the Granite building, is an

area of open land that has been used to deposit spoil and large pipes, possibly from the construction of the new access road.

### 3. PROPOSAL

3.1 The original application was for the demolition of existing buildings on site and the redevelopment of the site to comprise 3no. retail warehouse units and an associated garden centre (Class A1), a discount foodstore (Class A1), and a café (Class A3), including associated landscaping, servicing areas, car park, access, internal roads and cycle/footway, including the provision of access to adjoining land. This was granted planning permission in May 2013. The first phase of this development, the discount food store (Aldi), has been built out, leaving the north-eastern half of the site. (reference UTT/13/0268/FUL)

3.2 A recent application (UTT/17/1782/FUL) sought the variation/omission of conditions 8 and 27 of the approved consent to allow amendments to the layout, floorspace, and goods in response to identified potential end users. The conditions state;

Condition 8:

*“Units 1-3 and garden centre hereby permitted shall be used for the stated purpose and for no other purpose (including any other purpose within Classes A1) of the Schedule of the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The use of these shall be limited to the sale of DIY goods, furniture, floor coverings, leisure and garden products, motor accessories, electrical, homewares and pets/pet related products and ancillary veterinary surgeries and animal grooming other non-food bulky goods but not including fashion wear items or fashion foot wear.*

*REASON: To define the scope of the permission and to specify the sale of goods so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with NPPF.” And;*

Condition 27:

*“The mezzanine floorspace of 186 sq m in Unit 2 shall be used for ancillary purposes only and not for the sale of retail goods within Class A1 of the Town & Country Planning (Use Classes) Order 1987 (or any other Order amending, revoking and re-enacting that Order).*

*REASON: To define the scope of the permission and to specify the sale of goods so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with NPPF.”*

3.3 The approved scheme has floorspace area of 3,531 square metres for retail warehousing and 190 square metres for the proposed café. The units would be constructed from metal cladding panels with aluminium rain screens.

3.4 Below is a breakdown of the approved floor space and the proposed floorspace amendments;

- Retail Warehouse Unit 1 – approved 517 sq m GEA proposed amendment to 557sqm GIA
- Retail Warehouse Unit 2 – approved 2,020 sq m, with an outdoor garden

centre extending to 1,114 sq m including a garden centre lobby of 108 sq m GEA and staff mezzanine of 186sq.m including, proposed amendment to 2,043sqm and garden centre 650sqm;

- Retail Warehouse Unit 3 – 700 sq m GEA proposed amendment to 650 sqm;
- Discount foodstore – 1,578 sq m GEA (1,125 sq m net sales area) this element has been implemented, and
- Café (Class A3) – 190 sq m GEA with an external seating area, proposed amendment to 167 sqm.

3.5 The recently approved application indicated amendments to the parking layout and the number of parking spaces to be provided. It is proposed that an additional 43 car parking spaces top the west of the site would be provided indicating a total of 135 space adjacent to the Aldi scheme. Also, 126 including 6 disabled parking bays, 10 cycle bays and 5 motorcycle bays.

3.6 The approved units would be single storey and having a height of 9-9.5m.

3.7 The main existing entrance from Thaxted Road would be used for the proposed development. The access road currently serving the CARC facility, highway depot and the now Howdens store would be moved for highway safety reasons to prevent highway conflict with proposed access road that would serve the units. The scheme indicates a continuation of the pedestrian link accessed from Thaxted Road to the main retail store/through the centre of the site.

3.9 This current application now before use seeks to change the use of one of the units. Unit 3, from Use Class A1 retail to Use Class D2 gym. No other amendments to the scheme are proposed as part of this application.

#### **4. Environmental Impact Assessment**

4.1 Town and Country Planning (Environmental Assessment):  
The proposal is not a Schedule 1 development, exceeds the threshold criteria of Schedule 2, however the application has been screened and an Environmental Assessment is not required.

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

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

5.1 Various documents have been submitted as part of the planning application, which have been listed below;

- Air Quality Assessment

- Planning Statement
- Transport Assessment
- Location Plan

## 6. RELEVANT SITE HISTORY

6.1 The application site has a long planning history; the most relevant planning applications are listed below;

6.2 UTT/18/1303/FUL - Application to vary condition 7 of planning permission UTT/17/1782/FUL (Amendment to application UTT/13/0268/FUL in terms of design and layout, variation of conditions 8 and 27 to amend the control over retail space details relating to materials, landscaping, cycle parking energy efficiency, lighting, drainage and remediation included) to allow for the unrestricted sale of Class A1 goods (non-food only) and the insertion of a mezzanine floor. - Currently under determination

6.3 UTT/18/1344/FUL - New electricity substation with associated retaining walls and external works. – Currently under determination

6.4 Planning permission was recently granted for “*Amendment to application UTT/13/0268/FUL in terms of design and layout, variation of conditions 8 and 27 to amend control over retail space details relating to materials, landscaping, cycle parking*” This was granted planning permission 19 December 2017, subject to conditions and S106 Agreement. (UTT/17/1782/FUL).

This current application now seeks to change the use of one of the approved units.

6.5 Planning permission was granted for “*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.*” (UTT/13/0268/FUL, 10 May 2013).

This is the main historical application.

6.6 UTT/13/0269/AV - The erection of a totem pole sign - granted Advertisement Consent 4 April 2013.

6.7 There has been a recent application for the renewal of UTT/1788/07/OP this has been approved subject to conditions and a Section 106 Agreement relating to travel plan and highway works at the 24th August 2011 Planning Committee (UTT/2208/10/REN).

6.8 Outline application (including layout, scale and access) for mixed use redevelopment to comprise: Class B1 offices, Class B1/B2/B8 Industrial, Storage and Distribution and Trade Park, Retail Warehouse Park and associated landscaping, access and internal roads and cycle/footways, including the provision of access to existing and proposed adjoining uses. Demolition of all existing buildings - Approved 19 December 2007(UTT/1788/07/OP).

6.9 Other relevant planning applications relate to the adjacent sites for a Heritage Quest Centre proposed to store museum artefacts and resource base for study, located to the north-west of the application site (UTT/1709/05/DC) and the alternative site to the south-east of the application site (UTT/0098/10/DC).

- 6.10 UTT/1451/09/FUL was the first planning application that Sainsbury's submitted for a new retail food store with a café, teller machines and the creation of a car park and service yard. The store would have a gross internal area of 6322sqm, with 3766sqm net retail floorspace. A total of 382 car parking spaces are proposed including 19 disabled spaces and 15 parent and child spaces. In addition 74 cycle hoops are proposed giving 148 cycle spaces. This was refused on the grounds of *"The proposal would have a significant adverse impact on the turnover of the main town centre anchor Waitrose store. This loss of retail turnover is likely to result in Waitrose abandoning plans to commit to expansion plans for its town centre food store. This, together with the loss of footfall to the town centre associated with linked trips would result in a significant adverse impact on the town centre affecting the vitality and viability of the centre. As a direct result of this significant adverse impact this would be likely to result in an impact on the range and quality of the comparison and convenience offer in the town centre. This would be contrary to national policy set out in PPS4."*
- 6.11 Planning permission was granted for the "Erection of new petrol filling station and customer kiosk, new landscaping, access and associated works" (LPA reference UTT/0788/11/FUL) at the Planning Committee on 16 October 2011. This is the same committee at which planning application UTT/0787/11/FUL was considered (after the appeal against non-determination was made).
- 6.12 With regards to UTT/0787/11/FUL this related to the "Erection of new foodstore (use class A1) including cafe, automatic teller machines, surface level car parking, new access roundabout and highways works, landscaping servicing and associated works". This application was 20% smaller than the previous refused application UTT/1451/09/FUL. It was resolved that *"Had the application not been appeal under the grounds of non-determination it would be recommended for Refusal for the following reasons: The proposal would have a significant adverse impact on the turnover of the main town centre anchor Waitrose store. This loss of retail turnover is likely to result in Waitrose abandoning plans to commit to expansion plans for its town centre foodstore. This, together with the loss of footfall to the town centre associated with linked trips would result in a significant adverse impact on the town centre affecting the vitality and viability of the centre. As a direct result of this significant adverse impact this would be likely to result in an impact on the range and quality of the comparison and convenience offer in the town centre. This would be contrary to national policy set out in PPS4."*

## 7. POLICIES

### National Policies

- 7.1 - National Planning Policy Framework

### Uttlesford Local Plan (2005)

- 7.1
- Policy SW1 - Town Centre
  - Policy SW5 - Thaxted Road Employment Site
  - Policy SW6 – Safeguarding of Existing Employment Area
  - Policy S1 – Development limits for the Main Urban Areas
  - Policy S7 - Countryside
  - Policy E2 – Safeguarding Employment Land
  - Policy RS1 - Access to Retailing and Services
  - Policy RS2 – Town and Local Centres
  - Policy GEN1 – Access
  - Policy GEN2 – Design

- Policy GEN3 – Flood Protection
- Policy GEN7 - Nature Conservation
- Policy GEN8 – Vehicle Parking Standards
- Policy ENV3 - Open Spaces and Trees
- Policy ENV12 – Protection of Water Resources
- Policy ENV13 – Exposure to Poor Air Quality
- Policy ENV14 – Contaminated Land
- Policy ENV15 - Renewable Energy

- **Uttlesford Retail Capacity Study**

**8. SAFFRON WALDEN TOWN COUNCIL**

- 8.1 The Committee objects to this change of use application (from retail to non-Retail) on the grounds that according to the supporting documents in the emerging Local Plan, Saffron Walden needs more Retail Space not less, and that this application would thus be contrary to the Local Plan.

**9. CONSULTATIONS**

**Cadent**

- 9.1 The proposal as currently specified is in proximity to Cadent and/or National Grid apparatus, which may impact, and possibly prevent, your proposed activities for safety and/or legal reasons.

**BAA**

- 9.2 The Safeguarding Authority for Stansted Airport has assessed this proposal and potential to conflict aerodrome safeguarding criteria. We have no safeguarding objections to the proposal.

**NATS**

- 9.3 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal. However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted. If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

**Environmental Health**

- 9.4 The findings of the air quality review dated 11 May 2018 carried out by WSP are accepted, and no objections on grounds of air quality are raised.

However, traffic from the development will impact on Saffron Walden Air Quality Management Area, and provision of charging facilities at the parking spaces to support

the use of low emission vehicles should be encouraged.

In accordance with saved policy GEN1 Access, infrastructure to encourage non car travel should be provided. It is not clear from the site plan whether cycle hoops are provided close to the parking spaces, if they are not, a condition to require their provision is recommended.

### **ECC Highways**

- 9.5 The transport assessment shows that the change of used from A1 to D2 is likely to generate a slightly higher number of trips, (on average 14 extra trips in the evening peak). This increase will have a very limited impact on the highway, especially when making the reasonable assumption that some will be diverted trips that were already on the highway (for example commuter trips home). The transport assessment does not mention parking provision, and the Essex Parking Standards do require more spaces for a Class D2 in comparison to A1. However these are maximum standards and given that there is mixed use on the site and the different uses are likely to have peak use at different times it is considered that the parking provision is adequate. In addition the layout of the site means that if there were queuing for parking it is likely to be within the site and unlikely to have a detrimental impact on the highway. Therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

## **10. REPRESENTATIONS**

The neighbouring properties have been consulted of the planning application and the scheme has been advertised in the local press and on site. No letters have been received.

The scheme has been re-advertised as a result of amended description which re-categorises the application as a major. (consultation expiry date 2 August 2018)

## **11. APPRAISAL**

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

- A Principle & Impact;**
- B Design & Amenity;**
- C Highways & AQMA;**
- D Impact on biodiversity;**

### **A Principle & Impact**

- 11.1 The application site, other than an area between the main site and Thaxted Road has been previously developed and is predominately classified as 'brownfield' land which in principle would be acceptable to re-develop, in accordance with local plan Policy S1. The proposal involves the reuse of the former Granite site, Highways depot and Civic Amenity Site and is currently an area which forms an unattractive entrance to the town. This is mainly due to the abandoned buildings and the spoil piles from the construction of the new access road to the new Civic Amenity and Recycling Centre (CARC) and Highways Salt Depot. The area has begun to be transformed following the implementation of the first phase of the approved development under UTT/13/0268/FUL, the Aldi store.

- 11.2 Planning permission was recently granted to amend the approved scheme through the amendment to the floorspace layout of the units as identified in Section 3 above fundamentally;
- The garden centre is proposed to be reduced by 464 m2 to 650m2;
  - Retail Unit 1 has been enlarged by 92m2 to 557m2 and has been re-sited slightly northwards;
  - The café together with its external seating area has been re-sited to be adjacent to Unit 1 and proposed to increase by 5m2 to 167m2;
  - Unit 2 is proposed to increase by 185m2 to 2,043m2;
  - Unit 3 would remain the same at 650m2;
  - Also a slight amendment to the parking layout;
- 11.3 This was granted planning permission and the principle of the development has been previously discussed and accepted as part of the original application and the history of previous similar planning applications on this site. This application now seeks to amend the use of one of the proposed units to provide a gym.
- 11.4 Little has materially changed since the determination for the original application in 2013 or the 2017 application. The previous draft emerging Local Plan has since been withdrawn and there is a new emerging draft local plan which is at its early stages in the process. Due to the early stages of the draft local plans both past and present these have little weight to the determination of the application.
- 11.5 However, as a result of the current local plan work a revised Retail Capacity Study on behalf of the Council has been undertaken by Savills in 2016. This forms part of the evidence base for the emerging Local Plan, which is currently being prepared by the Council. The application site has been identified as a committed site within the retail study.
- 11.6 The updated retail capacity study identified *“little leakage to competing convenience shopping floorspace outside of the district and we, therefore, conclude that, taking into account the physical provision of shopping facilities, particularly main food stores in the respective towns, Uttlesford is relatively well served in terms of main food shopping facilities.”* The Study also stated that there is *“Limited convenience capacity arises in Saffron Walden by 2021. By the end of the plan period in 2033 this will have risen to £28.04m which would support for a small to medium sized food store.”* Equally the study shows that whilst there is a deficient identified in 2016 there would be expenditure capacity in comparison goods from 2021 onwards. It is recommended that the capacity is met within the town centre first but the study acknowledges that this is likely to be limited due to potential sites. However, there is no policy protection against the loss of retail floorspace outside town centre locations.
- 11.7 The proposed change of use to Use Class D2 includes the following uses in that category **Assembly and leisure** - Cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or area for indoor or outdoor sports and recreations (except for motor sports, or where firearms are used). However, it has been specified within the application submission that the change of use is clearly for a gym only.
- 11.8 The unit in question is 650m2 which is the second smallest unit on the site. Whilst the proposed use is a use associated within a Town Centre the size of the unit falls below

the thresholds outlined within the NPPF for a sequential test, nonetheless a sequential test was undertaken as part of the original applications.

11.9 The supporting Planning Statement outlined “*There would be minimal overlap with the Town Centre, with the only gym facility comprising of the Reshape Fitness and Beauty Clinic, which contains a limited gymnasium area. The majority of gyms in Saffron Walden are located outside of the Town Centre and therefore are not protected in policy terms. It is therefore clear that gym facilities provide a very limited contribution to the Town Centre’s overall vitality and viability, which is dependent upon its retail and service offer, which will be unaffected by the proposed development.*”

11.10 Due to the location of the site and the secured committed development the proposal is not in conflict in regards to the sequential test, in any event there are no other sequentially preferable sites for the proposed development. It can therefore be concluded that the proposed development continues to comply with the NPPF paragraph 24- 27 requirements and will not result in a significant adverse impact on Saffron Walden Town Centre.

## **B Design & Amenity**

11.11 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.

11.12 It has been confirmed within the application submission that there would be no alterations to the external appearance of the unit, or the layout of the wider scheme approved under the previous applications. Therefore, the proposed development accords with Policy GEN2 on this respect subject to conditions.

## **C Highways**

### **Parking & Access**

11.13 Local Plan Policy GEN8 requires the parking provision to be in accordance with current adopted standards, the parking standards are outlined in ECC Parking Standards (January 2009). The Council’s car parking standard (ECC Parking Standards 2009) was adopted by the Council January 2010 post the submission of the previous applications.

11.14 The standards requires;

- 1 car space per 14sqm for food stores and 1 car space per 20sqm (maximum),
- 1 cycle space per 400sqm for staff and 1 cycle space per 400sqm for customers (minimum),
- 1 plus 1 space per 20 car spaces for the 1st 100 spaces, and then
- 1 space per 30 over 100 spaces for powered two wheelers (minimum) and
- Disabled parking bays 4 plus 4% of total capacity
- Also, for gyms 1 space per 10 sqm of public area is required (maximum), and
- 10 cycle spaces plus 1 space per 10 vehicle space

11.15 The recently approved scheme would provide 244 car parking spaces, 14 disabled spaces, 30 cycle spaces and 11 motorcycle bays. A gym requires slightly more parking

spaces, however, this is a maximum and no floor layout has been provided as part of the application in terms of level of public space within the unit. As a result and due to the nature of the use and different usage time typical of gyms verses retail units no objection has been raised by ECC Highways. This therefore complies with Local Plan Policy GEN8 and the Essex Parking Standards (2009).

- 11.16 The adopted standards has increased the required sizes of parking bays in line with the increased sized of modern vehicles seeking parking bays of 2.9m x 5.5m plus 1m either side for disabled bays. The proposal would continue to provide parking bays of 2.5m x 5m which would be below the required standard sizes. The disabled parking bays however comply. No justification has been submitted as part of the application regarding the parking bay sizes however similar size bays have been deemed as acceptable on other applications on this site including the extant consent UTT/13/0268/FUL and UTT/17/1782/FUL.
- 11.17 Travel Plans are a means of encouraging access to sites by means other than the private car. A Travel Plan has not been submitted with the application detailing the initiatives proposed to encourage staff members to seek alternative means of travel to work. It should be noted that a travel plan formed part of a Section 106 Agreement on the previous extant application. Therefore, should planning permission be granted the content of the Section 106 Agreement which formed part of application UTT/2208/10/REN, UTT/13/0268/FUL and UTT/17/1782/FUL should be transferred over.
- 11.18 An accessible ramp designed to be DDA (Disability Discrimination Act) compliant has been implemented as part of Phase 1 of the development. Zebra crossings and pedestrian link ways continue to be incorporated within the proposed development. This is in accordance with sections (c) and (d) of Local Plan Policy GEN1.

### **Highway Impact and AQMA**

- 11.19 Local plan policy GEN1 states “*development will only be permitted if it meets all of the following criteria;*  
*a) Access to the main road network must be capable of carrying the traffic generated by the development safely.*  
*b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.*  
*c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.*  
*d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.*  
*e) The development encourages movement by means other than driving a car.”*
- 11.20 Local Plan Policy GEN1 seeks sustainable modes of transport this is reflected within National Planning Policy Framework. A Transport Assessment was submitted as part of the original application and assessed by ECC Highways Authority.
- 11.21 Previously no Highway objections were raised to the approved scheme subject to transfer of previous S106 agreement Heads of Terms with regards to bus stops, and street lighting.
- 11.22 The impact of the proposed development at the signalised junction with Radwinter Road/Thaxted Road was previously assessed. An updated Transport Assessment has been submitted as part of the applications.

- 11.23 The Transport Assessment stated;
- “The resulting traffic generation for a gym use at Unit 3 suggests a two-way traffic flow in the order of 26 to 36 vehicles during the weekday PM peak hour. This is higher than the 12 two-way vehicles associated with the non-food retail use as approved, but not significantly so. Given the time of day it is reasonable to assume that a high proportion of these trips are being made as part of a journey home from work although it is likely to be a minority of visitors that would have been travelling along the Thaxted Road in any event.*
- TRICS does not offer any Saturday trip rates for a gym use but it is reasonable to assume that the busiest hour in the weekday afternoon/ evening period is representative of the hourly flows experienced at the weekend. Hence the 26 to 36 two-way vehicle movements for the gym would compare with the 36 two-way vehicle movements associated with the non-food retail use of Unit 3 as approved.*
- Hence in summary there is predicted to be a slight increase in overall traffic movements to and from the development during the weekday PM peak period but little or no change in conditions on a Saturday.”*
- 11.24 The updated Transport Assessment submitted as part of this application highlights that the proposed change of use would result in a small increase to the vehicle movements. No objections have been raised by ECC Highways to this current scheme. They have stated *“The transport assessment shows that the change of use from A1 to D2 is likely to generate a slightly higher number of trips, (on average 14 extra trips in the evening peak). This increase will have a very limited impact on the highway, especially when making the reasonable assumption that some will be diverted trips that were already on the highway (for example commuter trips home). The transport assessment does not mention parking provision, and the Essex Parking Standards do require more spaces for a Class D2 in comparison to A1. However these are maximum standards and given that there is mixed use on the site and the different uses are likely to have peak use at different times it is considered that the parking provision is adequate. In addition the layout of the site means that if there were queuing for parking it is likely to be within the site and unlikely to have a detrimental impact on the highway. Therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.”* The application is therefore in accordance with Local Plan Policy GEN1.
- 11.25 Local Plan Policy ENV13 seeks to prevent and protect against air pollution. There is one large Air Quality Management Area (AQMA) within Saffron Walden. The principle source of NO2 emissions is vehicle exhausts.
- 11.26 The Council’s Environmental Health Officer had raised no objection to the original application (UTT/13/0268/FUL) or the more recent application UTT/17/1782/FUL subject to relevant mitigation condition being imposed should planning permission be granted.
- 11.27 An updated report has now been submitted as part of this application which stated *“given the small increase in vehicle movements that the proposed change of use will result in, and the fact that the baseline air quality situation has not significantly changed, it is considered that the effect of the proposed change of use on local air quality will be negligible.”*
- 11.28 It should be noted that whilst this current application would see a slight increase in the

- number of vehicle movements the previous application UTT17/1782/FUL saw the reduced vehicle flow (by 80 movements) would have a reduced impact upon air quality than that of the extant development.
- 11.29 The EHO has been re-consulted regarding the updated AQA and stated *“The findings of the air quality review dated 11 May 2018 carried out by WSP are accepted, and no objections on grounds of air quality are raised. However, traffic from the development will impact on Saffron Walden Air Quality Management Area, and provision of charging facilities at the parking spaces to support the use of low emission vehicles should be encouraged. In accordance with saved policy GEN1 Access, infrastructure to encourage non car travel should be provided. It is not clear from the site plan whether cycle hoops are provided close to the parking spaces, if they are not, a condition to require their provision is recommended.”*
- 11.30 In relation to improving air quality this was addressed as part of the previous conditions and mitigations which were sought. Therefore, should this application be granted the relevant conditions should be transferred over. The scheme is therefore in accordance with Local Plan Policy ENV13.
- D Biodiversity**
- 11.31 Local Plan Policy GEN7 for nature conservation seeks that development that would have harmful effects upon wildlife or geological features will not be permitted unless the need for development outweighs the harm. It also seeks that a conservation survey be sought for sites that are likely to be ecologically sensitive with associated mitigation measures.
- 11.32 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. Recent case law has established that local planning authorities have a requirement to consider whether the development proposals would be likely to offend Article 12(1), by say causing the disturbance of a species with which that Article is concerned, it must consider the likelihood of a licence being granted.
- 11.33 The tests for granting a licence are required to apply the 3 tests set out in Regulation 53 of the Habitats Regulations 2010. These tests are:
- 11.34 The consented operation must be for *“preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”*; and
- 11.35 There must be *“no satisfactory alternative”*; and
- 11.36 The action authorised *“will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”*.
- 11.37 Various survey works has been undertaken on the site and the associated ecological conditions attached to the extant consent have been fully discharged. As a result ECC

Ecology and Natural England have not objected to the previous applications and this change of use application would have no impact upon this matter. Therefore, the scheme is considered to accord with Local Plan Policy GEN7.

## **12. CONCLUSION**

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

- A It is concluded that the principle of the change of use is acceptable and would not have an unacceptable impact upon the town centre and would accord with the draft plan supporting studies, and the NPPF, subject to conditions.
- B The design of the units the size, heights, design and choice of modern materials remain unchanged and therefore acceptable, consistent and in keeping with its surroundings, in accordance with Local Plan Policy GEN2.
- C The proposed scheme in terms of car parking is considered to be generally acceptable and would provide an adequate balance. With regards to the size of the parking bays based on previous Highway Authority recommendations, previous approaches to similar schemes on this site and the fact that the previous planning application was not refused on car parking standards this part of the scheme is generally considered to be acceptable. Previous S106 Agreement relating to Highway improvements and Travel Plan forming part of UTT/13/0268/FUL and UTT/17/1782/FUL should be transferred over this application should planning permission be granted.

The increase in vehicle movement numbers is minimal and would have minimum impact upon the highway network. No objections have been raised by ECC Highways to this current scheme. The application is therefore in accordance with Local Plan Policy GEN1.

No objection has been raised regarding air quality subject to mitigation conditions should planning permission be granted. The scheme is therefore in accordance with Local Plan Policy ENV13.

- D Various survey works have been undertaken on the application site and the associated ecological conditions attached to the extant consent have been fully discharged. As a result ECC Ecology and Natural England have not objected to the previous application, and this change of use application has no impact upon this matter. Therefore, the scheme is considered to accord with Local Plan Policy GEN7.

### **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 6 September 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 Head of Legal Services Compensation Act 1991, securing the following:**

- (i) **Submission of travel plan**

- (ii) **Payment of monies relating to travel plan monitoring**
  - (iii) **Highway works**
  - (iv) **Pay Councils reasonable costs**
- (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 following reason:**
- (i) **Submission of travel plan**
  - (ii) **Payment of monies relating to travel plan monitoring**
  - (iii) **Highway works**

**Conditions:**

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

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

- 2 The developer will provide a BREEAM post-construction assessment of the rating of the as-built development within four weeks following the completion of each phase, also carried out by an accredited assessor, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the promotion of sustainable forms of development and construction Policy GEN2 and ENV15 of the Uttlesford Local Plan (adopted 2005).

- 3 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).

- 4 Notwithstanding the plans hereby approved and the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or reenacting that Order with or without modification), no extensions or alterations, including installation of mezzanine floors, roofing, open yards or sub-division shall be carried out (other than those expressly authorised by this or any other express permission) on any part of the site, whether externally or internally, without the prior

written permission of the local planning authority.

REASON: Extensions would result in the loss of parking spaces and servicing areas, resulting in a detrimental impact on the layout of the site and to control the use of the units without the relevant retail tests so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance Policy GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 5 Notwithstanding plans hereby approved or the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or reenacting that Order with or without modification) no other forms of fences, gates or walls shall be constructed within the site or on the site boundaries without the prior written permission of the local planning authority.

REASON: To ensure the development is in accordance with the character of its surroundings, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 6 Unit 2 hereby permitted shall be occupied for the stated purpose and for no other purpose (including any other purpose within Classes A1) of the Schedule of the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The use of these shall be limited to the sale of DIY goods, furniture, floor coverings, leisure and garden products, motor accessories, electrical, homewares and pets/pet related products and ancillary veterinary surgeries and animal grooming, other non-bulky goods, no more than 10% or 163 sq m (whichever is greater) of the net sales floorspace for the sale of convenience or food, no more than 5% or 82 sq m (whichever is greater) of the net sales floorspace for the sale of toiletries but not including fashion wear items or fashion foot wear.

REASON: To define the scope of the permission and to specify the sale of goods so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with NPPF.

- 7 Unit 1 (excluding the mezzanine), and garden centre hereby permitted shall be used for the stated purpose and for no other purpose (including any other purpose within Classes A1) of the Schedule of the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The use of these shall be limited to the sale of DIY goods, furniture, floor coverings, leisure and garden products, motor accessories, electrical, homewares and pets/pet related products and ancillary veterinary surgeries and animal grooming, other non-food bulky goods but not including fashion wear items or fashion foot wear.

REASON: To define the scope of the permission and to specify the sale of goods so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with NPPF.

- 8 The mezzanine floorspace of 269 sq m in Unit 1 shall be used for ancillary purposes extending to veterinary surgery and animal grooming and not for the sale of retail goods within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any other Order amending, revoking and re-enacting that Order). There shall be no mezzanine floorspace in Unit 2.

REASON: To define the scope of the permission and to specify the sale of goods so as

to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with NPPF.

- 9 Other than during the construction of the development no processes shall be carried out or power tools, equipment, machinery or plant of any kind shall be used at any time anywhere on the site except within the buildings hereby permitted. REASON: To protect the amenities of the occupiers of adjoining properties, in accordance with Policy GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 10 Other than during the construction of the development, with the exception of the garden centre, there shall be no outdoor storage of any materials, goods, equipment, plant or machinery of any description on any part of the site without the written consent of the Local Planning Authority.

REASON: To prevent harm to the character and amenity of the area, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 11 Details regarding the closing off of the existing access to the south east of the main access road shall be implemented in accordance with the details approved under Discharge of Condition application UTT/18/0437/DOC.

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

- 12 Detail regarding the estate roads and footpaths (including layout, levels, gradients, surfacing, and means of surface water drainage shall be implemented in accordance with the details approved under Discharge of Condition application UTT/18/0437/DOC.

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

- 13 Details relating to the surface water drainage strategy for the site shall be implemented in accordance with the details approved under Discharge of Condition application UTT/18/0437/DOC.

REASON: To prevent the increased risk of flooding, both on and off site, in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005)

- 14 The café unit hereby permitted shall be used for Class A3 restaurant and café use and for no other purposes within the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

REASON: To control the use of the café unit from being used as Class A1 retail without the relevant retail tests so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with the NPPF.

- 15 The remediation scheme for each phase shall be implemented in accordance with the approved timetable of works and in accordance with the details approved under Discharge of Condition application UTT/18/0437/DOC.

Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved by the Local Planning Authority.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 16 In the event that contamination that was not previously identified is found at any time after the development of any phase has begun, development must be halted on that part of the site affected by the unexpected contamination. The contamination must be reported in writing within 3 days to the Local Planning Authority. An assessment must be undertaken in accordance with the requirements of condition 15 of UTT/17/1782/FUL, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 16 of UTT/17/1782/FUL. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 17.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 17 All flood risk management measures identified in the approved Flood Risk Assessment (Revision C, dated 23 November 2012) shall be incorporated into each phase of the development prior to the occupation or first use of that phase of the development hereby permitted.

REASON: To reduce the risk and effect of flooding to the development and ensure neighbouring property is not put at greater risk as a result of the development, in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

- 18 Notwithstanding the plans hereby approved and the provisions of the Town & Country Planning (Use Classes) Order 1987 (or any other Order amending, revoking and reenacting that Order) the foodstore premises shall be used for a Limited Assortment Discounter retail store and for no other purpose within Class A1. The Limited Assortment Discounter store hereby approved is defined as a store which carries a limited range of grocery products and base their retail offer on selling these products at very competitive prices. This means that the number of product lines (stock-keeping units) available within the store at any one time should not exceed two thousand lines.

REASON: To ensure that use as approved reflects the identified retail requirements and to prevent unacceptable impact upon the vitality and viability of the town centre in accordance with NPPF.

- 19 The net sales floorspace of the foodstore shall not exceed 1,125 sq m, and the sale of convenience goods shall not exceed 90% of the net floorspace and the sale of comparison goods shall not exceed 20% of the net floorspace.

REASON: The restricted 20% in comparison goods is to allow for flexibility in the selling of seasonal goods and arrangement of floorspace and to ensure that use as approved reflects the identified retail requirements and to prevent unacceptable impact upon the vitality and viability of the town centre in accordance with NPPF.

- 20 The Cycle / Powered Two wheeler parking shall be provided in accordance with the

submitted plans 14467-102 Rev Q and 14467-110 Rev A. prior to occupation and retained thereafter for that purpose.

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 in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 21 The road layout, crossing points, turning heads and vehicle parking as indicated on drawing number 14467-102 Rev Q to be provided before first occupation of the site and retained thereafter for that purpose.

REASON: To ensure adequate facilities for all movement within the site and to ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 22 Three vehicle electric charging points 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 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).

- 23 Following completion of the construction of the retaining structure, a further comprehensive survey of PROW Byway 18 (Saffron Walden) from its junction with Thaxted Road to a point 50m north-east of the north-eastern boundary shall be complete. The results of the survey and any identified damage/repair work shall be submitted to and approved in writing by the Local Planning Authority. Any repair works identified in the 'after' survey shall be carried out within 3 months of the completion of the construction of the dwellings to a programme to be agreed with the Local Planning Authority.

REASON: In the interests of highway safety and retaining the amenity of the byway, should the construction of the development impact on it, in accordance with Local Plan Policy GEN1 of the Uttlesford Local Plan (adopted 2005)

- 24 The retaining structure proposed along the Byway 18 (Saffron Walden) shall be implemented in accordance with the details approved under Discharge of Condition application UTT/18/0437/DOC.

REASON: In the interests of safety given the proximity of the structure to the PROW Byway 18 (Saffron Walden), in accordance with Local Plan Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 25 Details of the new cycle/pedestrian link shall be implemented prior to the first use of the buildings in accordance with the details approved under Discharge of Condition

application UTT/18/0437/DOC.

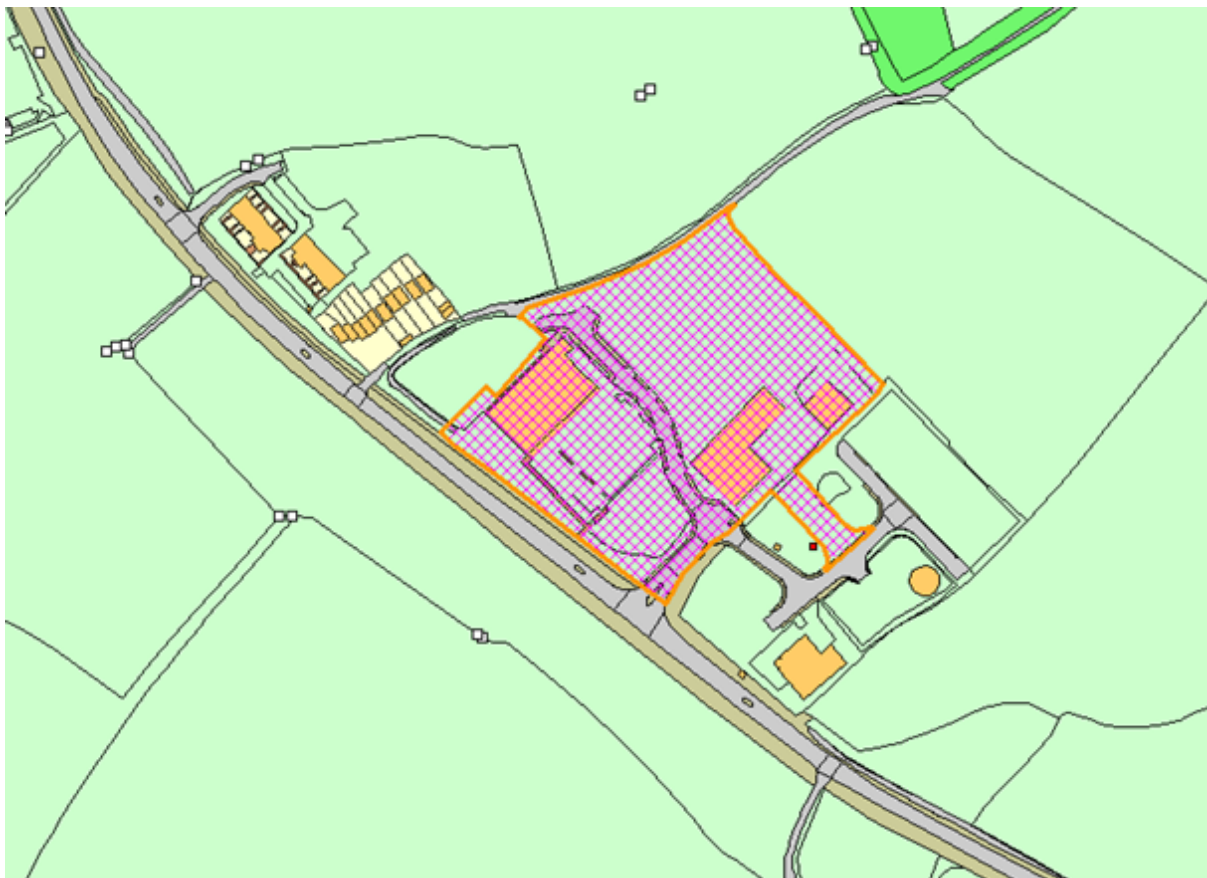
REASON: In the interests of accessibility, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 26 Unit 3 hereby permitted shall be used for the stated purpose and for no other purpose (including any other purpose within Classes D2) of the Schedule of the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: To define the scope of the permission and so as to not cause unacceptable harm to the vitality and viability of the town centre or the surrounding locality, in accordance with NPPF.

Application: UTT/18/1299/FUL

Address: Site At Thaxted Road Former Civic Amenity And Granite Site,  
Thaxted Road, Saffron Walden



Organisation: Uttlesford District Council

Department: Planning

Date: 20 July 2018

## UTT/17/3540/FUL

(Referred to Committee by Cllr Light and Cllr Morris. Reasons: Impact on elderly and vulnerable residents, over development of the area, significant danger from heavy construction vehicles.)

**PROPOSAL:** Proposed dwelling

**LOCATION:** Land To The North Of 35 To 40, Hanover Place, Saffron Walden, CB10 1DG

**APPLICANT:** Mr T White

**AGENT:** Mr Alan Smith

**EXPIRY DATE:** 26.01.2018

**CASE OFFICER:** David Gibson

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### **1. NOTATION**

1.1 The following apply to the application site:

- The access only is within the Development Limits of Saffron Walden (the main part of the application site is not).
- Within Saffron Walden Conversation Area.
- Within two Archaeological Sites.
- A small area along the site's northeast boundary is within Flood Zones 2 and 3 (the majority of the site is within Flood Zone 1).
- Within a Contaminated Land Historic Land Use Area.
- Adjoining Audley End Park, a Grade I Registered Park & Garden.
- Adjoining a TPO (ref. 2/90/38).

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

2.1 The application site is located to the northwest of 35 to 40 and 31 to 34 Hanover Place. It comprises a roughly triangular-shaped plot that is approximately 0.17 hectares in size. The site is relatively level and currently open grassland with no buildings; there are trees and other vegetation and a watercourse along the northeast boundary, Audley End Park's wall along the west boundary and various low fences and gates along the boundaries to the southeast.

2.2 Grade I Registered Park & Garden, Audley End Park directly adjoins the site to the west, Swan Meadow Car Park directly adjoins the site to the northeast and the Hanover Place retirement housing complex directly adjoins the site to the southeast. The adjoining part of the Hanover Place retirement housing complex comprises two two-storey buildings, with pitched roofs and finished in off-white render. There is also a bowling green. There are a number of windows at ground- and first-floor level that face directly into either the main site or the area of the site proposed for access.

- 2.3 The part of the site proposed for the access route is a thin strip of land that runs between the gate to the main site, and Abbey Lane, via Hanover Place, and passes through a gap between two existing walls. Abbey Lane is an unclassified road and Hanover Place is a private road serving the retirement housing complex. It is understood that a part of the area proposed for the access route is a piece of communal garden land belonging to Hanover Place retirement housing complex.

### **3. PROPOSAL**

- 3.1 The applicant seeks full planning permission for the erection of a single dwelling. This follows the refusal of an outline scheme (UTT/16/1596/OP). It comprises on the ground floor a study, utility room, cloakroom, kitchen, dining area and living room and a further reception room/bedroom, and 3 bedrooms and bathrooms above.
- 3.2 The section of the building that is parallel to the northern side of 35-40 Hanover Place is set 8 metres away from the common boundary, and is single storey with a carport at its western end. There is one window only in the ground floor that serves a cloakroom, so it will be obscure glazed. There is also one roof light to the utility room, but this is set high, at well over 1.7 metres, so is above eye level.
- 3.3 The eastern wing of the building steps up to 1 ½ storey and on the first floor the bedroom is set within the eaves and lit by roof lights facing towards Audley End Park.
- 3.4 The northern wing is 2 storeys, with first floor rooms partially within the roof. It has its main openings in the three elevations facing away from Hanover Place, and only one en suite bathroom window, and a stairwell roof light in the southern first floor elevation. The bathroom opening will be obscure glazed and the stairwell roof light is well above eye line at 1.7 metres. Furthermore, the roof of the single storey element will act as an intervening structure blocking any views across to Hanover Place. The lines of sight are shown on the submitted drawings.
- 3.5 The materials to be used are a red brick plinth, above which is painted timber boarding, smooth render and Cedar shakes. The roof will be clad in natural slate roof.

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

- 4.1 The development is not EIA development

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

- 5.1 The applicant has submitted a Planning Statement, a Flood Risk Assessment, a Tree Survey, an Extended Phase 1 Habitat Survey (Preliminary Ecological Assessment) and a Biodiversity Questionnaire, as well as a number of plans.

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

- 6.1 Planning permission was refused in 2016 for an outline application for a single dwelling (UTT/16/1596).
- 6.2 Planning permission was granted in 2001 for the erection of four two-bedroom

sheltered bungalows (UTT/1380/00/FUL). A further planning permission was granted later in the same year for a similar scheme with an amended layout (UTT/0270/01/FUL). These consents were not implemented.

## **7. POLICIES**

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

- 7.1
- Policy S1 – Development Limits for the Main Urban Areas
  - Policy S7 – The Countryside
  - Policy GEN1 – Access
  - Policy GEN2 – Design
  - Policy GEN3 – Flood Protection
  - Policy GEN7 – Nature Conservation
  - Policy GEN8 – Vehicle Parking Standards
  - Policy ENV1 – Design of Development within Conservation Areas
  - Policy ENV3 – Open Spaces and Trees
  - Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance
  - Policy ENV9 – Historic Landscapes
  - Policy ENV14 – Contaminated Land
  - Policy H4 – Backland Development
  - Policy H10 – Housing Mix

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

- 7.2
- Essex Design Guide (2005)
  - The Essex County Council Parking Standards Design and Good Practice (September 2009)
  - Uttlesford Local Residential Parking Standards (February 2013)
  - Accessible Homes and Playspace SPD (November 2005)

### **National Policies**

- 7.3
- National Planning Policy Framework

## **8. TOWN / PARISH COUNCIL COMMENTS**

- 8.1
- The development is not economically, socially or environmentally sustainable.
  - The application site lies outside of the development limits for Saffron Walden.
  - Access to the site along Abbey Lane would harm pedestrian safety, as Abbey Lane is narrow with little or no pavement.
  - It is unclear whether the applicant has the right to use the garden area proposed for access.
  - The proposed building would be overbearing on 35 to 40 Hanover Place and would result in loss of privacy and daylight.
  - The proposed development would increase the risk of flooding.
  - Construction would disturb nearby residents.
  - The garden area that would be used as access route would no longer be available for communal use by the residents of Hanover Place.
  - The proposed access route would result in vehicular traffic passing within

- close proximity of residential properties, resulting in disturbance.
- The development of the site would have a negative impact on wildlife.

## **9. CONSULTATIONS**

### **Essex County Council – Ecology**

9.1 No objections

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

9.2 No objections subject to conditions

### **Essex County Council – Archaeology**

9.3 The application site lies within a sensitive area on the western side of Saffron Walden (EHER 408) and archaeological evaluation undertaken in the immediate vicinity has identified surviving medieval deposits (EHER 46245), as well as Roman and prehistoric deposits. Any deposits on site would need to be recorded prior to preliminary groundworks or development. As such, a condition requiring the approval and implementation of a scheme of investigation has been recommended.

### **UDC – Environmental Health**

9.4 No objections received

### **UDC – Conservation Officer**

9.5 No objections to the development

## **10. REPRESENTATIONS**

10.1 Neighbours were notified of the application by letter, and notices were displayed near the site and in the local press. 25 letters have been received from neighbouring residents. The following concerns have been raised in the submitted representations:

- Concerns over access rights
- Proposed access would lead to the loss of a communal garden area
- Noise and disturbance due to traffic driving past existing windows at Hanover Place
- The access route into the site, between a wall belonging to Hanover Place and a wall belonging to Audley End, is very narrow, meaning that it would be very difficult for heavy goods vehicles to enter and exit the site.
- The development of the application site could lead to flooding.
- Concerns over noise and disturbance during construction from heavy good vehicles
- Noise that would be created during construction would disturb the residents of Hanover Place.
- The residents of Hanover Place would also be disturbed by noise created by future occupants due to increased number of car trips passed windows.
- The proposal would lead to overlooking and a loss of privacy for the

residents of Hanover Place; it would also affect their outlook.

- The proposal would lead to parking disputes between the residents of Hanover Place and the future occupants of the proposed development, due to a reduction in the level of car parking available for Hanover Place residents.
- The access route would require a new section of road that would have implications for storm drains and surface water, with a potential adverse impact for Hanover Place's surface water system.
- The property is too large
- It will cause disturbance to mostly older people who will have peace and quiet in their final years destroyed

10.2 The period for neighbours to make representations expired on 12/01/2018. The site notice expired on 09/01/2018 and press advert expired on 04/01/2018.

## 11. APPRAISAL

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

- A Whether the principle of the proposal outside of development limits is acceptable (ULP Policies S7, H4 and H10).
- B Whether access to the proposed development would be acceptable (ULP Policies GEN1 and H4)
- C Whether the proposal would provide adequate levels of on-site car parking (ULP Policy GEN8)
- D Whether the proposed development would be of an appropriate design (ULP Policy GEN2).
- E Whether the proposal would adversely affect amenity values of neighbouring residents (ULP Policies GEN2 and H4)
- F Whether the proposal would have an acceptable impact on heritage assets (ULP Policies ENV1, ENV4 and ENV9).
- G Whether the proposal is acceptable in terms of flood risk (ULP Policy GEN3)
- H Whether the proposal would have an acceptable impact on wildlife (ULP Policy GEN7)
- I Whether the proposal would have an acceptable impact on trees (ULP Policy ENV3)
- J Whether the proposal necessitates mitigation in respect of potentially contaminated land (ULP Policy ENV14)

### **A Whether the principle of the proposal outside of development limits is acceptable (ULP Policies S7, H4 and H10).**

11.1 The area proposed for access is located within Saffron Walden's Development Limits and ULP Policy S1 would apply to the development of this land. It is considered that, in principle, the proposal would comply with Policy S1. However, the main part of the site, including the area on which the proposed dwelling house would be located, is outside of any Development Limits. Therefore, ULP Policy S7 also applies and is more relevant.

11.2 ULP Policy S7 states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to the rural area, with development only being 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.

- 11.3 However, it is also recognised that the planning policy context has changed. In particular, the NPPF sets out applicable national planning policy in relation to sustainable development and housing in rural areas; it has been found that Local Plan Policy S7 is only partly consistent with the NPPF, due to its protective approach. Paragraph 17 of the NPPF, alongside recognising the intrinsic character and beauty of the countryside, supports thriving rural communities. Paragraph 55 of the NPPF sets out that 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.'
- 11.4 In this instance it is noted that the main part of the application site is located on the edge of Saffron Walden, adjoining the town's Development Limits and existing development at Hanover Place. Whilst the proposal would fail to comply with ULP Policy S7 insofar as the site's location outside of any Development Limits is concerned, it would be located sustainably – indeed, it is in close proximity to and would support Saffron Walden's Town Centre. On the sides where it would not adjoin Saffron Walden's Development Limits, it would also be physically and visually contained by the boundary wall of Audley End Park and the vegetation and watercourse along the shared boundary with Swan Meadow Car Park. This means that the development of the site would not lead to encroachment into open countryside and there is limited scope for harm to the intrinsic character and beauty of the countryside. The very limited amount of harm to the intrinsic character and beauty of the countryside that would occur as a result of the development through the loss of an area of open grassland on the edge of Saffron Walden's Development Limits would be outweighed by the site contributing to housing supply.
- 11.5 The site's planning history includes two relatively recent consents for four two-bedroom sheltered bungalows in 2001. It is noted that, previously, it was considered that the development of the site was only justified due to the affordable tenure of the proposed housing. However, it is noted that the policy context has changed dramatically since this time due to the adoption of the current 2005 Local Plan and, even more significantly, the publication of the NPPF.
- 11.6 ULP Policy H4 defines backland development as the development of a site without a road frontage, such as the application site. Policy H4 sets out four criteria that must all be satisfied before a proposal for backland development can be permitted. The first criterion is that there must be significant under-use of the land and that development would make more effective use of it. It is considered that the application site is currently underused and, given its sustainable location, that it would be put to better use as a site for a new dwelling house. The other three criteria are considered below in relation to access and impact on the amenity values of neighbouring residents.

**B Whether access to the proposed development would be acceptable (ULP Policies GEN1 and H4)**

- 11.1 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. Local Plan Policy H4

states that backland development will only be acceptable where access would not cause disturbance to nearby properties.

- 11.2 The first reason for refusal for planning application UTT/16/1596/OP cited the access, layout and scale as having an undue impact on the amenity of neighbouring residents, causing material disturbance, loss of privacy and an overbearing impact, contrary to Uttlesford Local Plan (2005) Policies GEN2 and H4. The second reason for refusal cited the increased use of Abbey Lane by vehicular traffic resulting in highway and pedestrian dangers.
- 11.3 A number of concerns in relation to access have again been raised by residents and the Town Council. It has been claimed that the proposed access route is narrow and that there is little or no pavement in places, meaning that its proposed use would harm pedestrian safety; it has also been stated that the access route, due to its proximity to existing residential windows, would result in disturbance and loss of privacy.
- 11.4 Once the dwelling is occupied the vehicular movements associated with one single dwelling would be marginal. Previously 4no. bungalows were approved on the site but this development was never implemented. This proposal for just one dwelling would have a proportionate reduction in traffic movements. The turning space is well away from the boundary; as is the car parking that is also under a covered area attached at the end of the dwelling close to the western boundary.
- 11.5 As stated in the previous Committee report, the proposal is for one dwelling house, which would give rise to only a very small amount of additional traffic along existing roads, which are already used for access by residential properties. Second, the new section of the proposed access route, between the site's existing gate and Hanover Place, would effectively be a residential drive serving a single dwelling house. Although it would be relatively narrow, the access route's width would be similar to that of the existing gate, and would exceed the 2.4 metre minimum width for shared private drives set out in the Essex Design Guide (2005). Third, the relationship of the new section of the proposed access route to existing residential windows would be similar to the existing relationship between the Hanover Place access route and other residential windows within the Hanover Place buildings.
- 11.6 This proposal effectively is the same as the refused scheme in terms of access and parking. With regard to access for fire tenders, the house is within 45 metres of the Hanover Place hammerhead and therefore a sprinkler system should not be required, but this will be dealt with under the current Building Regulations. In respect of the bins, space is shown on site for their storage at the back of the car parking space, with some screen planting around it, including space for re-cycling. On bin collection day they would be wheeled out to the mouth of the entrance drive for collection.
- 11.7 It is also noted that the Highway Authority and Environmental Health have both not raised any objections.
- 11.8 Local Plan Policy GEN1 also requires that new developments encourage movement by means other than driving a car. Given the site's location on the edge of Saffron Walden, within easy walking distance of the town centre, it is noted that the site is clearly well located and sustainable in this respect.

**C Whether the proposal would provide adequate levels of on-site car parking**

**(ULP Policy GEN8)**

- 11.9 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.
- 11.10 It is noted that neighbouring residents have expressed concerns in relation to car parking. The proposed plans show acceptable levels of car parking to be provided for a 4 bedroom property (3 spaces). The proposals therefore comply with the adopted ECC design guidance, preventing additional pressure on on-street car parking.
- 11.11 It is also noted that residents have claimed that the proposed access route would lead to the loss of existing car parking spaces for the Hanover Place retirement housing complex. However, it is not considered that this would be the case. Whilst the proposed access route may pass over an area of the Hanover Place private road that is used for informal car parking, it did not appear that there were any formal, marked parking bays in this area. Moreover, as discussed above, the applicant has asserted that they have the right to access their site using this route – this is a civil matter and should be resolved outside of the planning process.

**D Whether the proposed development would be of an appropriate design (ULP Policy GEN2).**

- 11.12 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.
- 11.13 In terms of design, layout and scale, the proposal is considered acceptable. The proposed dwelling house would respect the character of the surrounding area, which is characterised by vegetation and open space and low-rise development. The scheme has been well designed and would assimilate well with the surrounding area. It would not lead to an incongruous feature and will appear as a natural extension of the built form. The high quality design and use of complimentary materials would ensure a satisfactory form of development.
- 11.14 In relation to garden space, it is noted that the proposed layout allows for the provision of a private garden well in excess of the 100sqm standard set out in The Essex Design Guide (2005) for dwelling houses with three or more bedrooms. This is without reliance on any part of the site that is located within Flood Zones 2 or 3.

**E Whether the proposal would adversely affect amenity values of neighbouring residents (ULP Policies GEN2 and H4)**

- 11.15 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. Policy H4 requires that backland development does not result in the material overlooking or overshadowing of or have an overbearing effect on neighbouring properties.

- 11.16 As stated above, the first reason for refusal cited the access, layout and scale as having an undue impact on the amenity of neighbouring residents, causing material disturbance, loss of privacy and an overbearing impact, contrary to Uttlesford Local Plan (2005) Policies GEN2 and H4.
- 11.17 In terms of footprint and scale, the proposal has been materially altered from the refused scheme. The entire building has been moved a further 4 metres away from the southern boundary with Hanover Place, providing a gap of 14.05 metres instead of 10-10.5 metres previously. The footprint has been reduced from 171 square metres to 152 square metres. Furthermore, the height of the single storey element closest to Hanover Place has been reduced in height by approximately 200 mm. The general shape of the footprint of the dwelling, being 'Z' shaped remains, as does the positioning of the single storey, 1 ½ storey and 2 storey elements. Furthermore, the supporting statement and the submitted drawings indicate that the gap between the proposed dwelling and Hanover Place would be heavily planted to increase the feeling of separation and soften any visual impact of the proposed dwelling.
- 11.18 In terms of loss of privacy, there are no windows other than a ground floor cloakroom window in the facing side elevation. The submitted plans show that there are no other first floor windows in the southern elevation of any parts of the structure, other than a bathroom in the two storey element, the view from which would be obscured by the single storey element, and a roof light to a landing that will be above eye level. In any event the single storey element prevents any views from these windows to Hanover Place.
- 11.19 With regard to the objections raised to construction noise that would emanate, this is a common cause of concern for neighbouring residents when applications are submitted. It is accepted that all development causes some level of noise and disturbance. This is enforced under environmental legislation regulated by the relevant Council department, not the planning department. Conditions can be applied restricting hours and days of work during the construction period. It is considered that this would keep noise and disturbance to a minimum.
- 11.20 In respect of disturbance once the dwelling is occupied, the vehicular movements associated with one dwelling would be marginal. Previously 4 bungalows were approved on the site, the Council deeming that to be acceptable in amenity respects. This proposal for just one dwelling would have a proportionate reduction in traffic movements. The turning space is well away from the boundary; as is the car parking that is also under a covered area attached at the end of the dwelling close to the western boundary. The cars would travel past the end of 35 to 40 Hanover Place to obtain access, but there will be a gap of over 3.5 metres, and it is an existing access, albeit infrequently used. This level of noise and disturbance is not over and above what would normally be expected at a residential property.

**F Whether the proposal would have an acceptable impact on heritage assets (ULP Policies ENV1, ENV4 and ENV9).**

- 11.21 One of the reasons for refusal in the previous application was that fact that it was in outline with appearance and landscaping reserved. Therefore, it was argued, it was not possible to adequately assess whether the proposed development would preserve or enhance the character and appearance of the essential features of the Conservation Area.
- 11.22 The application site is within Saffron Walden Conservation Area and the site's

boundary wall with Audley End Park, which may be within the curtilage of Grade I listed Audley End House, is identified in the Council's Saffron Walden Conservation Area Appraisal and Management Proposals (2012) as an important feature – albeit one that is in need of repair. ULP Policy ENV1 states that the design of development within conservation areas should preserve or enhance the character of the essential features of the conservation area. It states that outline applications will not normally be considered.

- 11.23 As mentioned above, the site adjoins Audley End Park, which is a Grade I Registered Park & Garden. Policy ENV9 states that proposals that would harm the historic parks and gardens will not normally be permitted.
- 11.24 The application site is also located within an area that is archaeologically sensitive, due to the previous discovery of medieval, Roman and prehistoric deposits. Local Plan Policy ENV4 has a presumption in favour of the physical preservation of archaeological remains in situ. ECC's Senior Historic Environment Advisor has recommended that consent could be granted for the development subject to a condition requiring the approval and implementation of a scheme of investigation.
- 11.25 Paragraph 134 of the NPPF requires that where a development proposal would result in less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 11.26 The application site is in a backland location with no frontage to the public highway. The proposed house would be well screened on all sides by existing walls, vegetation and buildings, with very limited views available along Abbey Lane and Hannover Place. The existing area of open grassland is not considered important to the character or appearance of the Conservation Area in the recent Appraisal and its loss would not cause any material harm. The shared boundary wall with Audley End Park is considered important, but it is noted that the proposed layout of the development would ensure that the house is located so as to prevent harm to the wall and allow for its maintenance.
- 11.27 The proposed development is screened from Audley End Park by mature vegetation and the shared boundary wall; as noted above, it would be located far enough away from this wall to prevent any harm and allow for its maintenance. As such, it is considered that there would be no material harm to the Registered Park & Garden.
- 11.28 As stated above, the design and materials to be used are considered acceptable and the proposal could create a very attractive dwelling that would complement the site and the wider area. Therefore, it is considered that the proposal would preserve the appearance of the Conservation Area and would not have a detrimental impact on the heritage assets.

**G Whether the proposal is acceptable in terms of flood risk (ULP Policy GEN3)**

- 11.29 A very small part of application site, along its boundary with The Slade River, is located within Flood Zones 2 and 3. The proposal does not include any development within Flood Zones 2 and 3.
- 11.30 ULP Policy GEN3 states that development will not be permitted in the functional floodplain and that new residential development will not generally be permitted within areas of the floodplain beyond settlement boundaries. There is also a requirement that there is no increase of flood risk through surface water run-off.

The NPPF requires that the Sequential Test should be applied to steer new development to areas with the lowest probability of flooding, and that development is not permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

- 11.31 Given that the proposal does not include any development within Flood Zones 2 and 3, it is considered that it is not necessary to apply the Sequential Test. Indeed, all parts of the site that would be developed for the dwelling house are within Flood Zone 1 and are therefore sequentially preferable.
- 11.32 In any case, the applicant has submitted a Flood Risk Assessment in support of their application. This demonstrates that the part of the site proposed for development is not at significant risk from flooding and that the proposed dwelling house, which would have a higher finished floor level than the existing site level, would also be a little risk from flooding.

**H Whether the proposal would have an acceptable impact on wildlife (ULP Policy GEN7)**

- 11.33 Local Plan Policy GEN7 does not permit development that would have a harmful effect on wildlife.
- 11.34 The applicant has submitted an Extended Phase 1 Habitat Survey (Preliminary Ecological Assessment) in support of the application. This concludes that there is limited scope for a harmful effect on wildlife, subject to some mitigation measures. Although some of these measures relating to environmental enhancements could be secured when landscape issues are assessed at the reserved matters stage, it is recommended that these measures are secured via a condition in the event consent is granted. Alongside such a condition, there should also be a specific condition requiring the submission and approval of a lighting scheme prior to the commencement of development, in order to ensure that any lighting is bat-friendly.
- 11.35 ECC's Ecology Consultant has confirmed that there is no objection to scheme.

**I Whether the proposal would have an acceptable impact on trees (ULP Policy ENV3)**

- 11.36 ULP Policy ENV3 seeks to restrict development proposals that would lead to the loss of groups of trees and fine individual tree specimens.
- 11.37 The applicant has submitted a Tree Survey and the Council's Landscape Officer has confirmed that the development would not have an impact on trees, including TPO trees. The Tree Survey, however, recommends a number of mitigation measures, including protective fencing and that certain works and activities only take place outside of route protection areas. It is recommended that these measures are secured via a condition in the event consent is granted.

**J Whether the proposal necessitates mitigation in respect of potentially contaminated land (ULP Policy ENV14)**

- 11.38 ULP Policy ENV14 requires mitigation where a site is known or strongly suspected to be contaminated, and this is causing or may cause significant harm or pollution. UDC Environmental Health has confirmed that, although the site is approximately 75 metres from the sewage treatment works at Audley End Estate, and it is

possible that odours could affect future residents, there is no risk of ground contamination hazardous to human health on the site. As such, it is considered that the proposal would comply with Policy ENV14 without any need for mitigation.

## **12. CONCLUSION**

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

- A The principle of the development is deemed to be acceptable, in that it would provide new housing in a sustainable location in accordance with the National Planning Policy Framework and have limited conflict with ULP Policy S7.
- B The proposed access to the development would be acceptable and accord with ULP Policies GEN1 and H4.
- C On-site car parking would be acceptable and accord with ULP Policy GEN8, subject to a condition.
- D The design of the development would be acceptable and accord with ULP Policy GEN2
- E The proposed development would have an acceptable impact on the amenity values of neighbouring residents and accord with ULP Policy GEN2 and H4,
- F The proposal would have an acceptable impact on heritage assets and accord with ULP Policies ENV1, ENV4 and ENV9.
- G The proposal would be acceptable in terms of flood risk, and accord with ULP GEN3
- H The proposal would have an acceptable impact on wildlife and accord with ULP Policy GEN7, subject to conditions.
- I The proposal would have an acceptable impact on trees and accord with ULP Policy ENV3, subject to a condition.
- J The proposal would not require mitigation in respect on contaminated land and would accord with ULP Policy ENV14.

### **RECOMMENDATION – Approve with conditions**

#### **Conditions**

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

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

2. The 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

3. All ecological measures and/or works shall be carried out in accordance with the details contained Extended Phase 1 Survey, T4 Ecology Ltd, May 2017 section 5.2 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.

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

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

5. No development or preliminary groundworks of any kind shall take place until the has been secured implementation of a programme of archaeological trial trenching and excavation in accordance with a written scheme of investigation that has been submitted by the applicant, and approved by the local planning authority. Thereafter the development implemented in accordance and re-approved details.

REASON: To investigate and record archaeological deposits in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

6. Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the protection of wildlife and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

7. The development hereby permitted shall be carried out in accordance with the measures set out on Page 5 of Tree Survey Abbey Lane Saffron Walden Dated April 2016 prepared by Trees in Planning Ltd (received 03/06/2016), unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of the protection of trees and in accordance with Policy ENV3 of the Uttlesford Local Plan (adopted 2005).

8. Prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [for example]:-
  - i. proposed finished levels or contours;
  - ii. means of enclosure;
  - iii. car parking layouts;
  - iv. other vehicle and pedestrian access and circulation areas;
  - v. hard surfacing materials;
  - vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);

vii. proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports.); retained historic landscape features and proposals for restoration, where relevant.

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

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

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

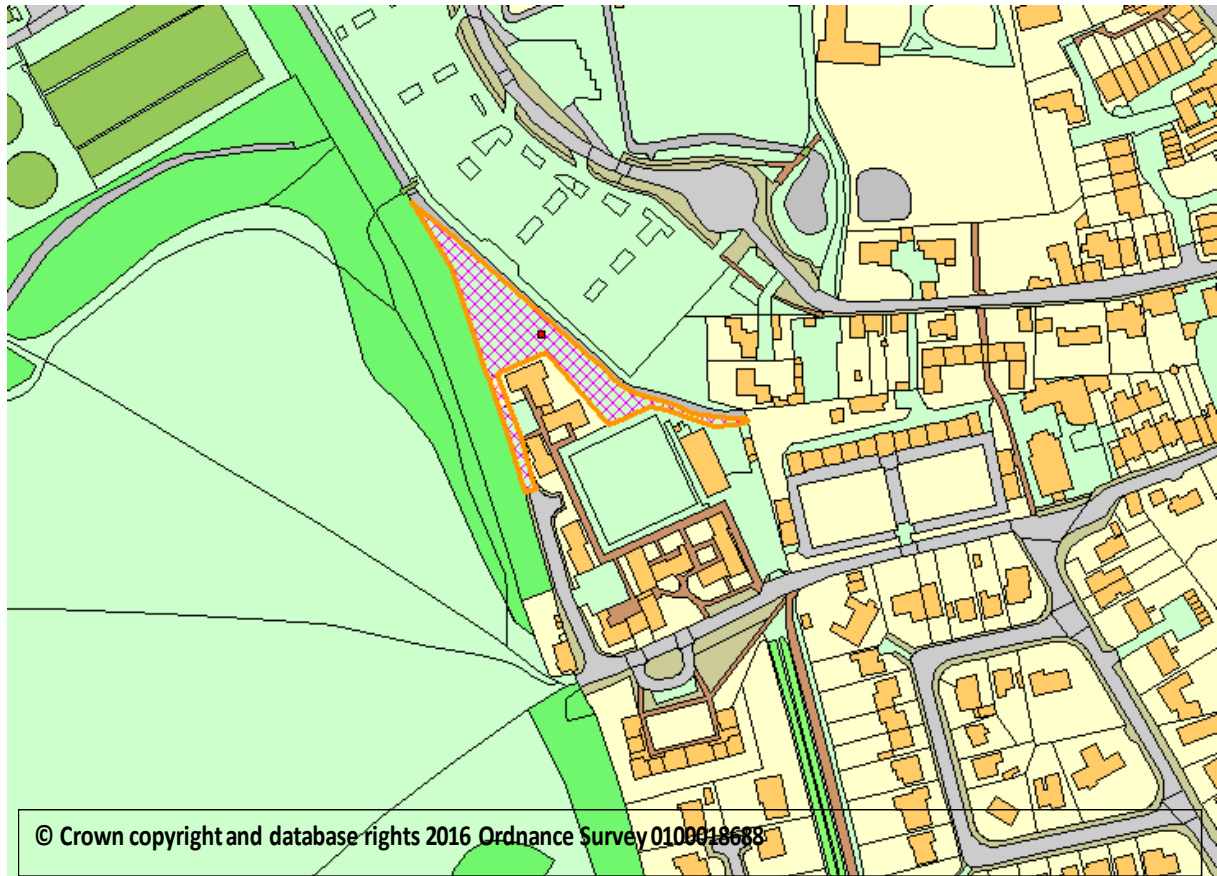
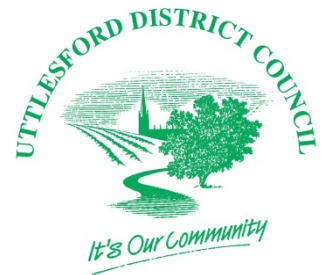
REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

- 10 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been 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 site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

Application: UTT/17/3540/FUL

Address: Land To The North Of 35 To 40, Hanover Place, Saffron Walden



Organisation: Uttlesford District Council

Department: Planning

Date: 23 July 2018

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## UTT/18/0569/FUL

(Relative of applicant employed by Uttlesford District Council)

**PROPOSAL:** Section 73A Retrospective application for change of use from office/storage to part take away for hot drinks, pre-prepared sandwiches, cakes etc and part retail.

**LOCATION:** Myco Garden Centre, Elder Street, Wimbish, Saffron Walden

**APPLICANT:** Mr Andrew Vinson

**AGENT:** N/A

**EXPIRY DATE:** 11.05.2018

**CASE OFFICER:** David Gibson

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### **1. NOTATION**

- 1.1
  - Outside Development Limits
  - Debden Radar- Within Area A
  - Oil Pipeline Hazardous Installation

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

- 2.1 This application relates to a building located within the existing site boundary of the Wimbish Nursery and Garden Centre. To the east lies a selection of large buildings used in association with the aforementioned site.
- 2.2 The site is located within the open countryside. Carver Barracks is located to the west, with sporadic development located to the east. Further afield lies Thaxted, Saffron Walden and Wimbish.

### **3. PROPOSAL**

- 3.1 This application seeks planning permission for the change of use of the building to sell pre prepared sandwiches, cakes and snacks, pre-packaged tea and coffee and arts and crafts items.
- 3.2 No alterations would be made to the external appearance of the building.

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

- 4.1 The development is not EIA development

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

- 5.1 N/A

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

6.1 None relevant to this planning application

## **7. POLICIES**

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

- 7.4
- Policy S7 – Development outside settlement boundaries
  - Policy GEN2 – Design
  - Policy GEN4 – Good neighbours
  - Policy E5 – Re-Use of Rural Buildings
  - Policy GEN8 – Vehicle Parking Standards

### **National Policies**

- 7.5
- National Planning Policy Framework

## **8. TOWN / PARISH COUNCIL COMMENTS**

- 8.1
- No comments received

## **9. CONSULTATIONS**

### **UK Power Networks**

- 9.1
- No objections to the development

## **10. REPRESENTATIONS**

- 10.1
- Neighbours were notified of the application by letter, and notices were displayed near the site. No objections or representations were received.

## **11. APPRAISAL**

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

- A The principle of development (E5, S7, NPPF)
- B The impact of the proposal on traffic and amenity (GEN 1, GEN2, GEN4 & GEN8)

### **A The principle of development (E5, S7, NPPF)**

- 11.1
- The NPPF supports economic growth in rural areas and to provide a strong rural economy. Paragraph 28 of the NPPF confirms that development should promote the diversification of agriculture. The investment in the building is considered appropriate as it supports the existing business and contributes efficiently to the rural area. As such it is considered the development is to be in accordance with local policy S7 and the NPPF.
- 11.2
- ULP Policy S7 is concerned with the protection of the countryside and supports development that needs to take place there or is appropriate to a rural area but places strict control upon other forms of development, where such development is permitted where an application is required, it can only be permitted under planning permission if its appearance protects or enhances the particular character of the

countryside in which it is set. Although the site is outside development limits and within the countryside it is located within an existing complex.

- 11.3 Each case is considered on its own merits with regard to protecting the character of the countryside. In this case, the proposal relates to an existing building where minimal alterations are proposed. The proposed change of use would not result in overdevelopment of the site and the openness of the countryside would be retained, consistent with Policy S7 of the ULP.
- 11.4 Policy E5 of the Local Plan relates to the re-use of rural buildings for commercial use if the following criteria are met:
- a) The buildings are of a permanent and substantial construction;
  - b) They are capable of conversion without major reconstruction or significant extension;
  - c) The development would protect or enhance the character of the countryside, its amenity value and its biodiversity and not result in a significant increase in noise levels or other adverse impacts;
  - d) The development would not place unacceptable pressures on the surrounding rural road network (in terms of traffic levels, road safety countryside character and amenity).
- 11.5 In this case the application relates to the change of use of the existing building to provide an area for the sale of pre-packaged food, teas and coffees and arts and crafts items. This type of use is a common feature in and around garden centres and it is not considered that this additional provision would place unacceptable pressure upon the road network and rural amenity. In addition there are plenty of parking spaces within the site (in excess of 30). The proposal is considered to comply with these criteria and is acceptable.

**B The impact of the proposal on traffic and amenity (GEN 1, GEN2, GEN4 & GEN8)**

- 11.6 In regards to the impact on neighbouring amenities due consideration has been given in relation to the potential harm upon the amenities of adjoining property occupiers in accordance with Policies GEN2 and GEN4 of the Local Plan. The proposal would neither result in a detrimental impact to adjoining properties in relation to a loss of light or a loss of privacy and it would not result in an overbearing development.
- 11.7 The site is relatively isolated from residential properties save Carver Barracks and sporadic development located in the immediate area. It is considered that the use would complement the existing garden centre and would not give rise to a significant increase in vehicular movements. The opening hours would be conditioned to be in keeping with the existing garden centre ensuring that it does not lead to an increase in noise and disturbance.
- 11.8 It is considered that the proposal would not result in a significant material change in circumstances from those of existing conditions due to the minor nature of the works in comparison with the size of the existing site. The works would not involve a significant increase in traffic and visitors to the site. There would be some increase in traffic and intensification of the use of this site, however it is considered that on balance it would not result in detrimental harm to the amenities of adjoining property occupiers given the minor nature of the works and the distance to the neighbouring

properties. The development therefore accords with GEN2 and GEN4.

## **12. CONCLUSION**

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

- A** The principle of the development is deemed to be acceptable, in that it would involve minor works and reuse of a building within the countryside in accordance with the National Planning Policy Framework and have limited conflict with ULP Policy S7
- B** The proposed access to the development would be acceptable and accord with ULP Policies GEN1. The proposed minor works would not impact on adjacent land owners given the separation distances involved.

### **RECOMMENDATION – Approve with conditions**

#### **Conditions**

1. The use hereby permitted shall take place between the hours of 09.00 and 17.00 between Mondays to Saturdays and only between 10.00 and 16.00 on all Sundays and Bank Holidays

REASON: To protect the amenity of neighbouring residents in accordance with Policy GEN2 of the Adopted Local Plan.

2. The premises shall be used for retail use and for no other purpose (including any other purpose in Class A1 of Part A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

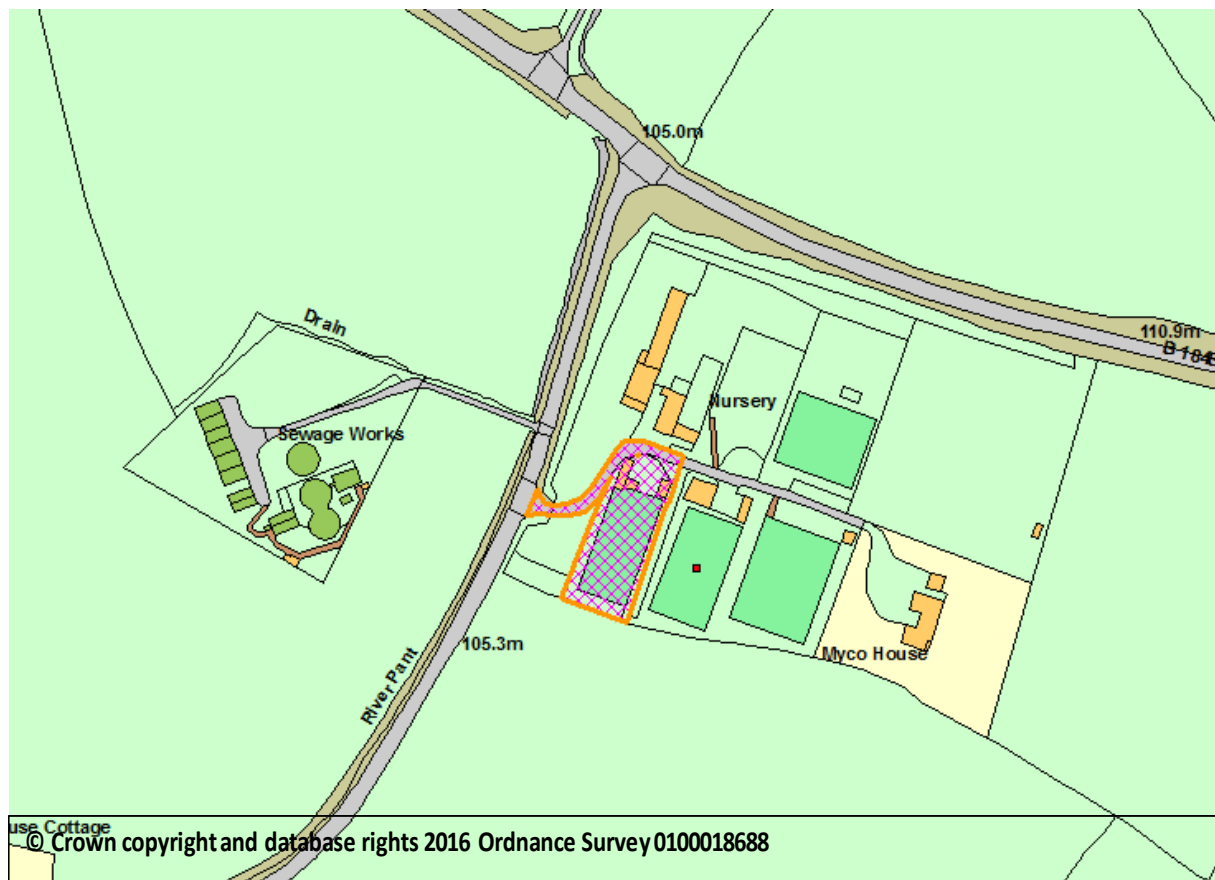
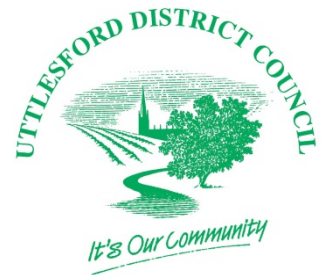
REASON: In order for the Local Planning Authority to control the development in accordance with Policy S7 of the Uttlesford Local Plan and the NPPF.

3. The premises shall not be used for the sale of hot food for consumption on or off the premises.

REASON: To protect the amenity of neighbouring residents in accordance with Policy GEN2 of the Adopted Local Plan.

Application: UTT/18/0569/FUL

Address: Myco Garden Centre, Elder Street, Wimbish, Saffron Walden



Organisation: Uttlesford District Council

Department: Planning

Date: 23 July 2018

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## UTT/18/1298/LB (SAFFRON WALDEN)

(Referred to Committee by Cllr Lodge. Reason: Over-development)

**PROPOSAL:** New pedestrian access to existing front boundary wall

**LOCATION:** Police Station, East Street, Saffron Walden, CB10 1LR

**APPLICANT:** Cityshape Heritage Ltd

**AGENT:** Ian Abrams Architect Ltd

**EXPIRY DATE:** 9 July 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 comprises a section of boundary wall associated with the Grade II listed former police station, which is currently undergoing a residential conversion.

### **2. PROPOSAL**

- 2.1 The application is for listed building consent to form a pedestrian access within the boundary wall along East Street, which forms part of the Grade II listing.

### **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:
- Supporting statement (Cityshape Heritage Ltd)
  - Heritage Appraisal
  - Transport Statement
  - Biodiversity Validation Checklist
  - Extended Phase 1 Habitat Survey
  - Tree Survey, Arboricultural Impact Assessment and Method Statement
  - Remediation Method Statement
  - Addendum Letter Report for Site Investigation Works
  - Chemical Interpretive Report
  - Factual Report
  - Flood Risk Assessment, Foul and Surface Water Statement
  - Letter containing comments on consultation responses

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

- 5.1 The site has an extensive planning history. Most relevant are the recent

planning permission and listed building consent for the conversion of the police station to three dwellings and the erection of four houses to the west (UTT/17/3662/FUL and UTT/17/3663/LB). An application for the erection of a further dwelling was refused on 9 July 2018 (UTT/18/1297/FUL).

## **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 Objection. Concerns include:

- Harm to the conservation area and the setting of listed buildings
- Loss of open space for the approved development
- Harmful pollution from the low chimney

## **8. CONSULTATIONS**

### **Conservation Officer**

- 8.1 Objection to the associated planning application (UTT/18/1297/FUL) but not to the proposed pedestrian access.

## **9. REPRESENTATIONS**

- 9.1 Neighbours were notified of the application by letter, and notices were displayed near the site and in the local press. No representations have been received.

## **10. APPRAISAL**

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

- A Impact on the listed building

### **A Impact on the listed building**

- 10.1 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.

- 10.2 Taking into account the comments of the Conservation Officer, it is considered that the proposed design for the pedestrian access, incorporating piers of matching bricks and a timber gate, would be sympathetic to the appearance of the remainder of the wall. It is therefore concluded that its special character would be preserved.

## **11. CONCLUSION**

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

- A** Regard has been had to all material considerations, and it is recommended that listed building consent be granted.

## **RECOMMENDATION – APPROVAL WITH CONDITIONS**

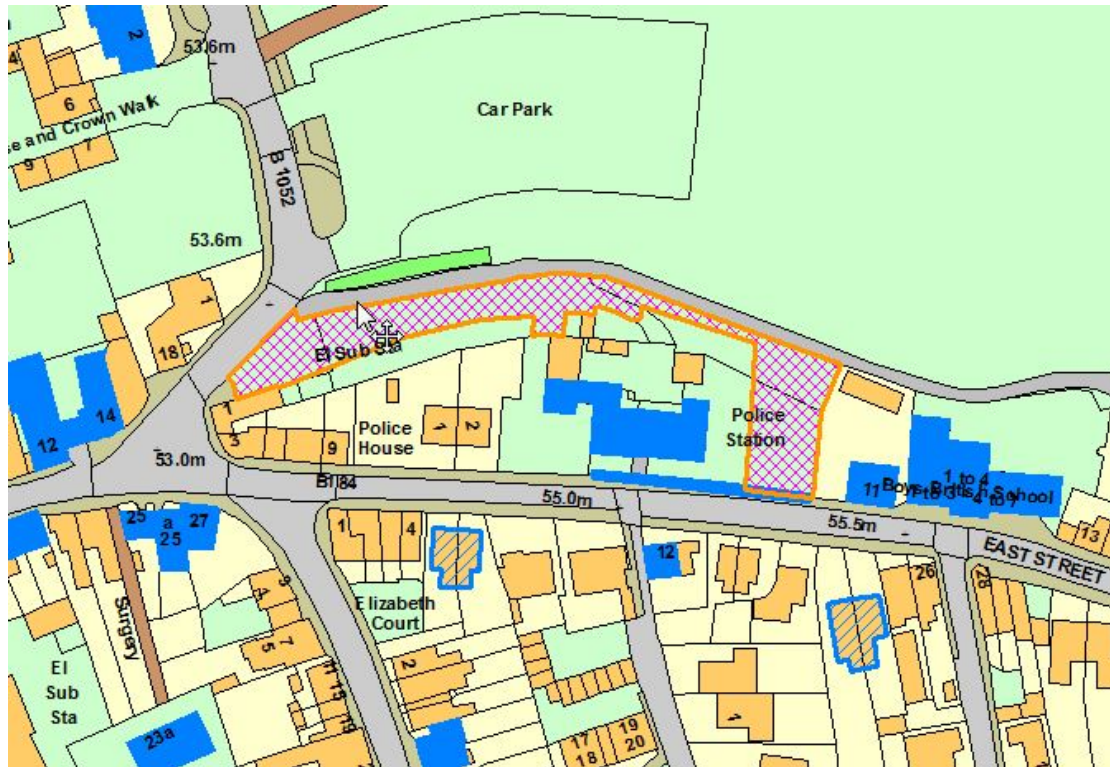
### **Conditions**

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/18/1298/LB

Address: Police Station, East Street, Saffron Walden, CB10 1LR



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Organisation: Uttlesford District Council

Department: Planning

Date: 13 July 2018