



Uttlesford District Council

Chief Executive: Dawn French

Planning Committee

Date: Wednesday, 26th September, 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 - 10

To consider the minutes of the previous meeting.

3 UTT/18/0318/OP - Land to the west of Canfield Road, Great Canfield

11 - 42

To consider application UTT/18/0318/OP

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| 4 | UTT/18/0750/OP - Land at Claypits Farm, Bardfield Road, Thaxted | 43 - 60 |
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To consider application UTT/18/0750/OP

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| 5 | UTT/18/0386/FUL - Great Chalks High Street, Hatfield Broad Oak | 61 - 86 |
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To consider application UTT/18/0386/FUL

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| 6 | UTT/18/1429/OP - Land to the west of Radwinter Road, Ashdon | 87 - 96 |
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To consider application UTT/18/1429/OP

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| 7 | UTT/18/1386/FUL - Land to the rear of 3 Holloway Crescent, Leaden Roding | 97 - 102 |
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To consider application UTT/18/1386/FUL

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**PLANNING COMMITTEE held at COUNCIL CHAMBER, COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN CB11 4ER, on WEDNESDAY, 29
AUGUST 2018 at 2.00 pm**

Present: J Loughlin (Vice-Chairman)
Councillors R Chambers, E Hicks, G LeCount (substitute for P Fairhurst), M Lemon, J Lodge, J Redfern, H Ryles and L Wells.

Officers in attendance: A Bochel (Democratic Services Officer), N Brown (Development Manager), D Gibson (Temporary Planning Officer), M Jones (Planning Officer), A Mawson (Democratic Services Officer), P McEvoy (Temporary Planning Officer), L Mills (Planning Officer), M Shoesmith (Development Management Team Leader), E Smith (Legal Officer), J Snares (Housing Strategy & Operations Manager), C Theobald (Planning Officer).

Speakers: A Appleby, Councillor K Artus, C Durham, S Gill, T Hindel, H Izod, S Kuschel, Councillor B Light, Councillor E Oliver, P Purkiss, B Rix, S Smith, S Stephen.

PC24 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors A Mills, P Fairhurst and R Freeman.

Councillor J Redfern declared a disclosable pecuniary interest in application UTT/18/0420/FUL as the portfolio holder for Housing.

The Chairman took legal advice and the Legal Officer advised that Councillor Redfern should leave the meeting for the hearing of the application.

PC25 MINUTES OF THE PREVIOUS MEETING

Councillor Ryles said he had given his apologies for the previous meeting but they had not been included.

Subject to the addition of apologies from Councillor Ryles the minutes of the meeting held on 1 August 2018 were received and signed by the Chairman as a correct record.

PC26 UTT/18/1303/FUL - SITE AT THAXTED ROAD, FORMER CIVIC AMENITY AND GRANITE SITE, SAFFRON WALDEN

The application was 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.

Councillor Wells proposed to approve the application. This motion was seconded by Councillor Redfern.

RESOLVED: To approve the application subject to the conditions in the decision notice and a section 106 agreement.

S Stephen spoke on the application.

PC27 UTT/18/1704/OP - OAKBOURNE HAMMONDS ROAD, HATFIELD BROAD OAK

The proposal was for outline planning permission with all matters reserved except for access and layout, for the demolition of existing dwelling and outbuildings and the erection of 1 no. replacement dwelling and 6 no. new dwellings.

Councillor Wells proposed to approve the application. This motion was seconded by Councillor Loughlin.

RESOLVED: Permission is granted subject to the conditions in the decision notice.

S Smith and P Purkiss spoke on the application.

PC28 UTT/18/1653/OP - CHEPINGFIELD, FEATHERSHILL, HATFIELD BROAD OAK

The proposal is for outline planning permission for the demolition of the existing dwelling and outbuildings and the erection of four dwellings with all matters reserved save for access.

The Members expressed concerns in relation to the inclusion of meadow into the application, and felt that this was inappropriate backland development and overdevelopment of the site.

RESOLVED: To refuse the application for the following reasons:

1. The proposed development by reason of the number of dwellings shown and also by reason of the means of vehicular access proposed for the site as indicated on the submitted drawings would represent an inappropriate form of backland development at this edge of village location which would cause significant amenity harm to neighbouring residents contrary to ULP Policy H4 of the Uttlesford Local Plan (adopted 2005).
2. The proposed development by reason of its location and amount, as shown on the illustrative site layout, would cause significant rural amenity harm contrary to ULP Policy S7 of the Uttlesford Local Plan (adopted

2005) where the need for this development has not been sufficiently demonstrated.

Additionally, the proposal would fail to represent a sustainable form of development when assessed against the policies of the National Planning Policy Framework (revised July 2018) taken as a whole as the adverse impacts of the proposal by reason of the environmental harm which would be caused would significantly and demonstrably outweigh any benefits of the proposal where paragraph 8 of the Framework states that the three interdependent strands of sustainable development need to be pursued in mutually supportive ways where this would not be the case for the submitted proposal.

Councillor K Artus, C Durham, B Rix, S Kuschel, A Appleby, S Smith and H Izod spoke on the application.

PC29 UTT/17/3540/FUL - LAND TO THE NORTH OF 35 TO 40, HANOVER PLACE, SAFFRON WALDEN

The application was for full planning permission for the erection of a single dwelling. This followed the refusal of an outline scheme (UTT/16/1596/OP).

Members discussed the need for a management plan which would minimise the impact on the local residents.

Councillor Chambers moved to propose the application with the proviso of a management plan. Councillor Loughlin seconded the motion.

RESOLVED: Permission is granted subject to the conditions in the decision notice.

Councillor B Light, T Hindel and P Purkiss spoke on the application.

PC30 UTT/18/1693/FUL - L/A THE HAZELS, WICKEN ROAD, CLAVERING

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

The Members discussed the streetscene of the development and were concerned that the proposed properties had been moved back on the drawing so as to mask the height, the planning officer confirmed that the height of the eaves and ridges on the development were the same height as the surrounding dwellings.

Councillor Ryles proposed to refuse the application. This motion was not seconded.

The Development Manager discussed with Members that this was an issue of block and footprint of the plans, that there was already permission for two

dwellings. The Planning Officer advised Members that this scheme has to be considered on its own merits.

Councillor Hicks proposed to approve the motion and Councillor Chambers seconded the motion to approve.

RESOLVED: Permission is granted subject to the conditions in the decision notice.

Councillor E Oliver and S Gill spoke on this application

PC31 UTT/18/0420/FUL - THE ELMS, GLEBE LANE, LITTLE EASTON

Councillor J Redfern withdrew from the meeting as the portfolio holder for housing as per advice from the Legal Officer.

The proposal was for the demolition of a derelict Council owned bungalow and the construction of a new four bedroom detached dwelling including external works and parking.

Members discussed the need for affordable housing and asked for clarity from the Housing Strategy & Operations Manager as to why this application and course of action had been decided. It was discussed that the proposed property is in fact more suited to the location than the one-off bungalow and that by building this property and selling it revenue will be raised for the Housing Revenue Account and this can be better allocated to providing affordable housing in the future.

Councillor Chambers proposed approval of this application and Councillor Lemon seconded the motion.

RESOLVED: Permission is granted subject to the conditions in the decision notice.

PC32 UTT/18/1695/HHF - LITTLE GARNETTS, BISHOPS GREEN, HIGH EASTER

The application presented was for the demolition of existing garden room and erection of replacement garden room, replacement glazing to rear elevation of house and alterations to entrance porch including enclosing with glazing, infill panel and adding an external door and replacement of area of roof covering.

Councillor Wells proposed approval of the application and Councillor Chambers Seconded the motion.

RESOLVED: Permission is granted subject to the conditions in the decision notice.

PC33 UTT/18/1696/LB - LITTLE GARNETTS, BISHOPS GREEN, HIGH EASTER

The application was for listed building consent for the following works; the demolition of existing garden room and erection of replacement garden room, replacement glazing to rear elevation of house and alterations to entrance porch including enclosing with glazing, infill panel and adding an external door and replacement of area of roof covering.

Councillor Redfern proposed approval of the application and Councillor Wells seconded the motion.

RESOLVED: Permission is granted subject to the conditions in the decision notice.

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UTT/18/0318/OP (GREAT CANFIELD)

(More than five dwellings)

PROPOSAL: Outline planning permission for the erection of up to 135 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Great Canfield Road. All matters reserved except for means of access.

LOCATION: Land West of Great Canfield Road, Great Canfield

APPLICANT: Gladman Developments and Takeley Farming LLP

AGENT: N/A

EXPIRY DATE: 28 September 2018

CASE OFFICER: Luke Mills

1. NOTATION

1.1 Countryside; County Wildlife Site (adjacent).

2. DESCRIPTION OF SITE

2.1 The site is located immediately west of Great Canfield Road and south of the Flitch Way, adjacent the neighbouring villages of Takeley and Little Canfield and to the north-west of the hamlet of Hope End Green. It comprises 8.22 ha of undeveloped agricultural land.

3. PROPOSAL

3.1 The application is for outline planning permission to erect up to 135 dwellings, with all matters reserved except the means of access from Great Canfield Road. Associated works include the provision of public open space, landscaping and a sustainable drainage system (SuDS). A new footway would be provided along Great Canfield Road, and pedestrian/cycle connections would be made to both the Flitch Way and Great Canfield Road.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 Taking into account the screening direction on a 210-dwelling scheme (UTT/17/1080/SCO), it is considered that the development constitutes 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. An Environmental Statement has been submitted for the purpose of assessing the likely impact on the environment, which has been prepared following the Council's issue of a scoping opinion (UTT/17/3572/SO).

5. APPLICANT'S CASE

5.1 The application was submitted with the following documents:

- Environmental Statement
- Planning and Affordable Housing Statement
- Design and Access Statement
- Arboricultural Assessment
- Air Quality Assessment
- Landscape and Visual Appraisal
- Archaeology and Built Heritage Assessment
- Flood Risk Assessment & Outline Surface Water Drainage Strategy
- Ecological Appraisal
- Transport Assessment
- Framework Travel Plan
- Noise Assessment Report
- Preliminary Risk Assessment
- Statement of Community Involvement
- Foul Drainage Analysis
- Utilities Statement
- Soils and Agricultural Use & Quality report
- Socio-Economic Sustainability Statement
- Screening for Likely Effects on Hatfield Forest

5.2 The Environmental Statement (ES) was submitted with the following chapters:

- A. Introduction
- B. Scope and Methodology
- C. Site and Scheme Description
- D. Transport
- E. Biodiversity
- F. Heritage
- G. Cumulative Effects
- H. Mitigation and Monitoring
- Non-Technical Summary

5.3 Further documents submitted during the determination period include:

- Response to the comments of London Stansted Airport (FPCR, 29 March 2018)
- Summary of consultation responses (Gladman, 3 May 2018)
- Revised Archaeology and Built Heritage Assessment
- Revised Air Quality Assessment
- Revised ES Chapters and Appendices

6. RELEVANT SITE HISTORY

6.1 Planning permission was refused for a 211-dwelling scheme in 2014 (UTT/14/2306/OP) and a 180-dwelling scheme in 2015 (UTT/14/3705/OP). The reasons for refusal of the latter application were as follows:

“1. The applicant has not defined a demonstrable need for the development to take place in this particular location that would override the harm caused to the countryside. The proposals would harm the local distinctiveness of the area and the character of the open countryside through the coalescence of settlements and the introduction of a large scale urban development between rural settlements. As such the application fails to accord with the core principles of the NPPF and policy S7 of the ULP 2005

2. The proposal is on the boundary of the Countryside Protection Zone and would destroy the open relationship of the zone and its connectivity to the countryside. As such the proposal represents significant harm to the CPZ and therefore does not accord with Policy S8 of the ULP 2005

3. The developer has failed to demonstrate that the proposed means of access to the site would not involve the loss of important tree and landscape structure that provides the character of Great Canfield Road. As such the proposals would not accord with Policy ENV3 of the ULP 2005

4. The lack of safe and appropriate access for pedestrians and cyclists to the wider network and local facilities mean that this location is wholly dependent on the private car and therefore the proposal does not represent a sustainable location as defined in the core principles of the NPPF and is not in accordance with Policy GEN1 of the ULP 2005

5. The access arrangements are insufficiently detailed without appropriate drawings and documentation. The impacts of the access design have not been adequately considered for its usability, function and sympathy to the character of the countryside. The application does not demonstrate that access for pedestrians and cyclists is suitable for people with disabilities or can meet the reasonable needs of all users. As such the proposals are not in accordance with policy Gen2 of the ULP 2005 and the criteria of the NPPF paragraph 17 bullet point 11.

6. The applicant has failed to demonstrate that the development is an appropriate design for the location or that the density proposed can be accommodated on the site in accordance with policy GEN2 of the ULP 2005 and the Supplementary Planning Guidance of the council

7. The proposals are not sufficiently detailed with regard to the loss of habitat of protected species that may result from the proposed creation of accesses to the site. As such the proposals are contrary to policy ENV7 of the ULP 2005.

8. The proposals do not provide any mechanism to secure the infrastructure requirements arising from the development, including the need for financial contributions towards additional healthcare facilities, primary and secondary education requirements, including school transport, or the delivery of 40% affordable housing and the proposed open space and play area, and the subsequent maintenance of these areas. As such the proposals are contrary to Uttlesford Local Plan Policy GEN6."

- 6.2 The site was submitted for consideration through a 'call for sites', which was followed by a Strategic Land Availability Assessment (Site Ref: 04GtCan15). The initial assessment from 2015 was recently updated, leading to the following conclusion:

"The site is available. Achievability of development is dependent upon highway improvements. The site is not considered suitable as development of the site would not lead to a sustainable pattern of development."

- 6.3 The lack of suitability was expanded upon as follows:

“This is a greenfield site just south of the Flitch Way. The site is located within 800m of the B1256 where local services and facilities can be accessed. However, Canfield Road does not have a pavement. Development of the site would introduce a significant built form linking the hamlet of Great Canfield and Takeley village. Planning application reference UTT/14/2306/OP has been refused.”

7. POLICIES

- 7.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.
- 7.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.3 Relevant development plan policies and material considerations are listed below.

Uttlesford Local Plan (2005)

- 7.4 S7 - The Countryside
- GEN1 - Access
 - GEN2 - Design
 - GEN3 - Flood Protection
 - GEN4 - Good Neighbourliness
 - GEN5 - Light Pollution
 - GEN6 - Infrastructure Provision to Support Development
 - GEN7 - Nature Conservation
 - GEN8 - Vehicle Parking Standards
 - ENV2 - Development affecting Listed Buildings
 - ENV3 - Open Spaces and Trees
 - ENV4 - Ancient Monuments and Sites of Archaeological Importance
 - ENV5 - Protection of Agricultural Land
 - ENV7 - The Protection of the Natural Environment - Designated Sites
 - ENV8 - Other Landscape Elements of Importance for Nature Conservation
 - ENV9 - Historic Landscapes
 - ENV10 - Noise Sensitive Development and Disturbance from Aircraft
 - ENV12 - Protection of Water Resources
 - ENV13 - Exposure to Poor Air Quality
 - ENV14 - Contaminated Land
 - H1 - Housing Development
 - H9 - Affordable Housing
 - H10 - Housing Mix

Supplementary Planning Documents/Guidance

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

National Policies

- 7.6 National Planning Policy Framework (NPPF) (2012)
 - paragraphs 11, 73, 78-79, 95, 98, 102-111, 127, 155-165, 170, 175, 178-183 & 189-199
 Planning Practice Guidance (PPG)
 - Air quality
 - Conserving and enhancing the historic environment
 - Design
 - Environmental Impact Assessment
 - Flood risk and coastal change
 - Hazardous substances
 - Housing: optional technical standards
 - Land affected by contamination
 - Light pollution
 - Natural environment
 - Noise
 - Open space, sports and recreation facilities, public rights of way and local green space
 - Planning obligations
 - Rural housing
 - Transport evidence bases in plan making and decision taking
 - Travel Plans, Transport Assessments and Statements
 - Water supply, wastewater and water quality
 Rights of Way Circular 1/09 (Circular 1/09)
 The town and country planning (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002 ('Safeguarding Direction')

Other Material Considerations

- 7.7 West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) (2015)
 Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)
 Housing Trajectory 1 April 2017 (August 2017)
 Landscape Character Assessment (LCA) (2006)
 Great Canfield Village Design Statement (VDS) (2010)

8. PARISH COUNCIL COMMENTS

- 8.1 Great Canfield Parish Council has raised an objection. Reasons include:
- The site is not allocated for residential development in either the adopted or draft Local Plans
 - The proposal conflicts with the Great Canfield Village Design Statement
 - Harmful effect on the rural character of the area
 - Increased risk to the safety of road users
 - Increased airport parking
 - Loss of biodiversity

- Increased pressure on Hatfield Forest
- Harmful effect on the setting of Canfield Park – a Grade II listed building
- Loss of agricultural land
- Limited sustainable transport options

8.2 Takeley and Great Canfield Parish Councils have also submitted a combined objection. The full reasons for the objection are contained within reports by Gardner Planning Ltd and Railton TPC Ltd. They include:

- The realignment and widening of Great Canfield Road, described in the Transport Assessment, is not properly reflected in the application documents
- Inadequate infrastructure to support the development
- Unsafe and unsuitable access proposals
- Inadequate capacity on local road network and at Junction 8 of the M11
- Limited sustainable transport options
- Loss of important trees and hedgerow to accommodate the new access
- Harmful effect on the rural character of the area, including the nearby Countryside Protection Zone
- Loss of biodiversity
- Increased pressure on Hatfield Forest
- Harmful effect on the setting of Canfield Park – a Grade II listed building
- While a five-year housing land supply cannot be demonstrated, the adverse effects of the proposal outweigh the benefits

8.3 A further technical note on transport and highways matters was submitted following the applicant's submission of further information during the determination period.

9. CONSULTATIONS

Landscape Officer

9.1 Objection. Extract:

"The main body of the site is a relatively flat single arable field with a fall of some 4m across its extent. The field has remained in its current form since the latter half of the 19th century, when the Eastern Counties Railway Bishop's Stortford to Braintree line was built (1864-1869). The disused line, the Flitch Way linear park, bounds the northern extent of the site. This section the former railway line lies in cut and is well treed. To the east of the site is the Great Canfield Road which is a country lane linking the Dunmow Road to the north with the hamlet of Hope End to the south of the site. Immediately to the south of the site are arable fields and the farmstead of Canfield Park, which includes three principle listed buildings. To the west is the heavy landscaped Takeley Park mobile home site, which was built to accommodate mobile home residents displaced by the expansion of Stansted Airport in the second half of the 1980's.

A Landscape and Visual Appraisal (LVA) accompanies this application. The LVA concludes that "the site could be sensitively developed in a way that would result in no more than limited and localised landscape and visual effects", however, between Great Dunmow in the east and Hatfield Forest in the west there is no residential development of the form proposed immediately south of the Flitch Way. The Flitch Way contributes to the separation of Takeley village and the open countryside to the south. The

Takeley Park mobile home site adjacent to the proposal site is a very different animal to the proposed development as the homes are low rise and do not impact on the wider landscape.

The proposed development would have a significant detrimental impact on the rural character of the site. Whilst the site is relatively well described by exiting hedgerows and trees, the proposed development would impact on the rural character on the surrounding area, and more so in the dormant season following leaf fall.

The proposed access provisions and removal of a section of the existing roadside hedgerow would significantly diminish the rural character of the Great Canfield Road adjacent to the site. The proposed planting provision illustrated in the submission would not reinstate or compensate for the loss of the existing character of this section of the Canfield Road.

The development would result in a sense of coalescence with the Hope End Green hamlet and consequently adversely impact on the hamlet's bucolic setting."

Conservation Officer

9.2 Extract:

"Great Canfield Road is a narrow country lane running through Hope End, a small hamlet of some 150 dwellings number of which are listed and of early origins, all loosely dispersed along the twisting road. Clearly any development in such a rural locations would seriously diminish its character and is likely to lead to the unfortunate coalescence between almost urban Takeley and bucolic Hope End. However this is a matter to be considered on balance in planning terms.

In terms of impact on any designated heritage assets, the nearest historic site is the farmstead of Canfield Park which include 3 principle listed buildings and potentially some curtilage listed structure as well. This application follows some previously refused similar schemes. It appears that the current proposal would aim at reduction of units, greater buffer strip adjacent to the Flitch Way, and more meaningful areas of communal green open spaces. The suggested East Green would adjoin Great Canfield Park site providing some measure of screening from the new development.

Clearly these layout improvements could not compensate for very hazardous access from a narrow country lane which character would be fundamentally altered by the provisions of necessary visibility splays and standard housing estate road."

Historic England

9.3 Does not wish to comment.

Historic Environment Advisor (Place Services)

9.4 No objections, subject to conditions. Extract:

"The proposed development lies within an area which has extensive multi-

period archaeological deposits identified from the Middle Bronze Age through to the post medieval period. Those excavations completed at Stansted have shown that much of the agricultural landscape features have their origins in the medieval period. The geophysical survey indicates that there are no nationally significant archaeological features within the site, however, a range of anomalies have been identified which will require investigation. This office disagrees with chapter F of the supplementary environmental statement. The geophysical assessment indicates it is unlikely that any nationally significant archaeological deposits will be identified, however, the archaeological work has not shown there are no surviving archaeological deposits and in fact the geophysical assessment has a range of archaeological features identified. The updated potential effects are incorrect as any archaeological deposits will be impacted during the construction phase of the development. Similarly the mitigation and monitoring is incorrect as a programme of trial trenching and excavation will be required following planning permission. These sections in the heritage update should be rewritten to identify the potential of non-nationally significant deposits being identified during the construction phase. All further archaeological work can be completed post determination if the application is approved.”

Highway Authority (Essex County Council)

- 9.5 No objections, subject to conditions. Extract from supplementary response:

“The highway authority has looked at this application in considerable detail, structural engineers, development management and safety engineers commented on the initial proposal for the bridge and requested changes, extra information and safety audits which have all be carried out. Internal consultation was also undertaken with the Country Parks team on the Flitch Way and the ITS (signals) team on the proposals. As mitigation for the impact of the scheme the following is agreed: a new footway is to be provided; Great Canfield Road is being widened form the access to the junction with B1256; a link is being made to the Flitch Way and funding provided to improve the surfacing drainage and provide signage; improvements to surfacing of the PROW that runs alongside the site; improvements to the signals at the Four Ashes to provide MOVA to optimise their efficiency; and a contribution to the planned improvement scheme on the junction 8 of the M11 is being provided. It is recognised that location of the site is challenging and that is why this raft mitigation measures has been required. As is always the case the application has been reviewed in highways term in relation NPPF (2012 and the revised 2018) policy which states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

Highways England

- 9.6 No objections.

Stansted Airport

- 9.7 No objections.

NATS

9.8 No objections.

Essex Police

9.9 Encourages the developer to seek to achieve a Secured by Design award.

Lead Local Flood Authority (Essex County Council)

9.10 No objections, subject to conditions.

Thames Water

9.11 No objections.

Affinity Water

9.12 No objections.

Education Authority (Essex County Council)

9.13 No objections, subject to a S106 agreement that secures financial contributions to mitigate the effect of the development on early years and childcare provision (£176,406), primary education (£515,727) and secondary education (£522,315).

West Essex Clinical Commissioning Group (CCG)

9.14 No objections, subject to a S106 agreement that secures a financial contribution (£55,153) to mitigate the effect of the development on primary healthcare provision. Extract:

“The development would give rise to a need for improvements to capacity, in line with CCG estates strategy, by way of extension, reconfiguration, refurbishment or potential relocation for the benefit of the patients at Eden Surgery, a proportion of the cost of which would need to be met by the developer.”

Natural England

9.15 No objections, subject to mitigation. Extract:

“We consider that without appropriate mitigation the application has potential to:

- Damage or destroy the interest features for which Hatfield Forest Site of Special Scientific Interest has been notified.

Natural England is working alongside Uttlesford District Council and the National Trust in carrying out research into the visitor patterns and impacts to Hatfield Forest SSSI / NNR. This work will help to establish a "zone of influence" within which new housing will be expected to contribute towards mitigation for recreational impacts. Whilst this work is yet to report, we note that this housing development is very likely to fall within this zone of influence, and may be required to contribute mitigation towards these aims.

This may take the form of a financial contribution. We will be working with the Council to ensure its Local Plan integrates these requirements.

In the absence of a strategic solution within the current Local Plan, Natural England would not want to see any permissions granted by Uttlesford DC that would create a precedent of acceptability for additional housing developments close to Hatfield Forest SSSI, NNR. As this is an additional development to those in the current and the emerging Local Plans, we would expect the proposal to meet the same policy requirements for mitigation as those in future allocations. As these mitigation measures are to be defined once the report is received, we cannot comment further at this stage on the particulars of a future mitigation strategy.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. We would suggest the following wording:

‘Contributions from this development will be secured towards mitigation measures identified in the Hatfield Forest Recreational disturbance Avoidance and Mitigation Strategy (RAMS).’

As stated above, this Strategy is yet to be agreed.”

National Trust

9.16 Objection. Extract from initial response:

“The potential cumulative impact of further residential development so close to Hatfield Forest has the potential to increase visitor pressure and damage to the SSSI, NNR and ancient woodland. The site subject of this planning application is located less than 2km from Hatfield Forest. It is within walking distance of the Forest and this is facilitated by the proximity of the site to the Flitch Way. The Flitch Way is a well-used bridleway which abuts the Forest and provides users with direct access to Hatfield Forest.

...The Trust is pleased that the applicant has sought to assess the impacts of the proposed development on the SSSI and acknowledges the issues which are occurring at the Forest and that there is a continuing need to address the issues. A visitor survey was carried out by the applicant in 2015. There are differences between the surveys carried out by the Trust and the applicant and it is not therefore possible to draw direct comparisons (eg time of year, location of surveys, number of people surveyed, questions asked). The Trust agrees with the applicant that there are various methods of predicting the number of residents likely to visit Hatfield Forest and that there is not a recognised method of assessing this, nor is there any guidance (in policy or spd for example) as to appropriate mitigation measures for the scale of development. However, based on the Trust’s results, it is considered that the increase in visitor numbers may be higher than those predicted by the applicant.

On-site mitigation is welcomed in the form of on-site public open space, green infrastructure and a dog walking circuit. However it is noted that this application is in outline form with all matters reserved and therefore the design and layout of the site is not yet known. Reassurances that these would be delivered through appropriately worded conditions would be

required. Furthermore, although Hatfield Forest is used by a large number of dog walkers and walkers, it also offers other visitor experiences which could not be replicated on a new site. It is used for a range of recreational activities including jogging, cycling, wildlife watching, family outings and photography. Therefore there will inevitably be a residual recreational impact. This has also previously been acknowledged by Natural England.”

Extract from supplementary response (4 June 2018):

“To confirm, the National Trust maintains its objection to this application and requests that the Council duly considers whether the proposal would accord with the sustainability principles set out in the National Planning Policy Framework (NPPF). Para. 7 of the NPPF sets out the three dimensions to sustainable development: economic, social and environmental. It states that these roles should not be undertaken in isolation, because they are mutually dependent. An environmental role is about contributing to protecting and enhancing our natural, built and historic environment.

... I consider that a S106 Agreement to cover a package of ecological mitigation measures would be appropriate, to include:

- A financial contribution of £20,000 to the National Trust for use at Hatfield Forest towards visitor and botanical monitoring, visitor and community education and infrastructure maintenance;
- The provision of a ‘Home Pack’ for the first occupants of each new dwelling (as detailed above);
- The installation of educational signage on the application site;
- The provision of a 0.9km dog walking circuit and enclosed dog exercise area to be provided on the application site.

The contribution, signage, dog walking circuit and exercise area would need to be provided prior to occupation of the first dwelling to help minimise visitor impacts from the new residents on the forest.”

Ecological Consultant (Place Services)

9.17 No objections, subject to conditions. Extract:

“I have reviewed the Environmental Statement (Lichfields, Jan 2018) supplied by the applicant, relating to the likely impacts of development on Protected sites, particularly Hatfield Forest SSSI and Fitch Way LoWS, as well as Protected and Priority habitats & species, particularly bats. I consider that proportionate mitigation measures have been identified and these need to be secured by conditions of any consent.

I welcome the Environmental Statement recommendation that increased recreational pressure on Hatfield Forest sites can be mitigated through Strategic Access Management and Monitoring Measures (SAMMs) which would be funded by the developer. The design layout of the development includes 48% of the area as green infrastructure which will be managed to enhance biodiversity and ensure residents are able to use the site for recreation. Rather than an information board about Hatfield Forest within the onsite greenspace, I recommend that this provides sufficient details about local rights of way networks and circular routes for residents to avoid daily visits to the SSSI. I therefore recommend that the details of the SAMMs are

discussed with Natural England Discretionary Advice Service and the National Trust to ensure measures will be effective and deliverable.

The retention of hedges and buffering of sensitive features is an appropriate way of protecting the ecological value of the site. The ecological mitigation features such as integrated bat/bird boxes and dog bins need to be detailed on the landscaping plan as well as the planting and I recommend the provision of a long term Landscape and Ecological Management Plan (LEMP) as a condition of any consent. A sensitive lighting scheme will need to be submitted for the development to ensure that there is a dark corridor for barbastelle bats and that there is no light spill onto wildlife corridors.”

Essex Wildlife Trust

- 9.18 Objection, due to adverse effects on the Flitch Way Local Wildlife Site. Extract:

“Adverse impacts on the Flitch Way Local Wildlife Site. These include urbanisation and harmful edge effects leading to a reduction in habitat quality; biodiversity loss due to increased disturbance, recreational impacts and predation of wildlife by domestic cats.

This disused railway line west of Great Dunmow has developed into a valuable wildlife site and corridor. Thick hedges generally bound the track, with grassland forming a central “woodland ride” and other areas where the hedges thin. Species of interest amongst the very diverse flora include Wall Rue (*Asplenium ruta-muraria*), Yellowwort (*Blackstonia perfoliata*), Lesser Calamint (*Clinopodium calamintha*), Small Toadflax (*Chaenorhinum minus*), Small-flowered Crane’s-bill (*Geranium pusillum*) and Flattened Meadow-grass (*Poa compressa*).

The important ecological status and wildlife interest of the Flitch Way will be adversely impacted by the current proposals for the reasons outlined above. We therefore recommend that Uttlesford council refuses permission for this application.”

Environmental Health

- 9.19 No objections, subject to conditions regarding air quality, noise and contamination. Extract in relation to air quality:

“The air quality assessment submitted is in line with agreements made with UDC Environmental Health Officer in previous correspondence and includes traffic flows from cumulative sources (committed developments in the vicinity). It looks at current and predicted levels of NO₂, PM₁₀ and PM_{2.5} with and without the development for the construction phase and operational stage of the proposed development. For the construction phase, the report concludes that the development could give rise to a ‘medium risk’ of dust from earth works, construction and trackout.

For the operational phase, the report concludes that although this development (along with increased traffic levels generated from other committed developments) will increase NO₂ levels in the area and specifically around the ‘Four Ashes’ roundabout. The air quality assessment recommends that whilst the ‘with development scenario’ predicts NO₂ levels

to be close to the objective, a breach of the objective will not occur. PM10 and PM2.5 levels and contributions are thought to be insignificant.

...The air quality assessment ultimately concludes that mitigation measures should be employed for both the construction and operational stages of the development. I agree with this and therefore recommend the following conditions are placed on any permission."

Environment Agency

9.20 No objections. Extract:

"Foul Drainage

The "Foul Drainage Analysis" provides scoping of two separate points for foul drainage to existing public sewerage infrastructure. It provides evidence of consultation by the developer with the Sewerage Undertaker; Thames Water. We are content with the intent to connect the site to mains sewerage infrastructure.

Water Resources

This development lies in an area of 'Serious' water stress.

The "Utilities Statement", specifies that Affinity Water has indicated there is a mains connection adjacent to the site and the existing water network infrastructure has the capacity to provide water.

However, there is no document from Affinity Water that confirms their position. The applicant should submit at the reserve matters stage evidence direct from Affinity Water confirming that there is capacity for water resources to be provided to the development. If you think it appropriate this could be the subject of a pre-commencement condition."

Housing Enabling Officer

9.21 No objections, subject to affordable housing provision. Extract:

"The affordable housing provision on this site will attract the 40% policy requirement as the site is for 135 (net) units. This amounts to 54 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

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.

	1 bed	2 beds	3 beds	4 beds	Totals
Affordable Rent	5	16	14	3	38
Shared Ownership	2	7	6	1	16

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 7 bungalows across the site delivered as 3 affordable units and 4 for open market.”

Health and Safety Executive

- 9.22 Advises against the granting of planning permission. Extract:

“The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and also within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Uttlesford District.

HSE's Advice: Advise Against. The assessment indicates that the risk of harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.”

UK Power Networks

- 9.23 No objections. General advice regarding undertaking works in close proximity to electrical lines/plant.

Cadent Gas/ National Grid

- 9.24 No objections.

Fulcrum Pipelines

- 9.25 General advice regarding safe working procedures near pipelines.

10. REPRESENTATIONS

- 10.1 Local residents were notified of the application by letter, and notices were displayed near the site and in the local press. The following concerns have been raised among the submitted representations:

- 1) Conflict with the adopted and emerging Local Plans
- 2) Conflict with the Village Design Statement
- 3) Harm to the character and appearance of the area, including the Flitch Way
- 4) Loss of valuable tree specimens
- 5) Adverse effect on the setting of listed buildings
- 6) Adverse effect on the protected lane to the south through increased vehicle movements
- 7) Increased traffic congestion, including at Junction 8 of the M11
- 8) Increased risk to highway safety
- 9) Damage to the road surface
- 10) Limited sustainable transport options
- 11) Limited services and facilities nearby
- 12) Inadequate parking provision
- 13) Nuisance to residents from the proposed play area
- 14) Increased risk of crime

- 15) Increased risk of flooding
- 16) Loss of agricultural land
- 17) Loss of biodiversity, including impacts on the Flitch Way and Hatfield Forest SSSI
- 18) Increased air pollution
- 19) Increased noise pollution
- 20) Increased light pollution
- 21) Inadequate infrastructure e.g. healthcare, education, telecommunications, water, sewerage
- 22) Inadequate play space
- 23) Increased damage to the surface of the Flitch Way
- 24) Increased litter from visitors
- 25) No local need for additional housing
- 26) Cumulative effects with nearby developments
- 27) There are better sites in alternative locations
- 28) Increased presence of vermin
- 29) Disruption during the construction period
- 30) Adverse effect on neighbouring property values

10.2 The following comments are made in response to the above concerns:

1) - 26) Covered in the below appraisal.

27) The application must be assessed on its own merits.

28) It is not considered that the proposed residential development would be particularly likely to increase the risk of vermin.

29) There would be some disruption, as is the case with any development, but the Control of Pollution Acts would provide protection during the construction period.

30) Not a material planning consideration.

11. APPRAISAL

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

- A Location of housing (S7, H1, 78-79 & PPG)
- B Character, appearance and heritage (S7, GEN2, GEN5, ENV2, ENV3, ENV9, 127, 170, 189-196, PPG, LCA & VDS)
- C Transport (GEN1, GEN8, 98, 102-111, PPG, Circular 1/09 & Safeguarding Direction)
- D Accessibility (GEN2, 127 & PPG)
- E Crime (GEN2, 127 & PPG)
- F Amenity (GEN2, GEN4, GEN5, ENV10, 127, 180 & PPG)
- G Flooding (GEN3, 155-165, PPG & SFRA)
- H Infrastructure (GEN6 & PPG)
- I Biodiversity (GEN7, ENV7, ENV8, 175 & PPG)
- J Archaeology (ENV4, 189-199 & PPG)
- K Agricultural land (ENV5 & 170)
- L Contamination (ENV12, ENV14, 178-179 & PPG)
- M Air quality (ENV13, 181 & PPG)
- N Affordable housing (H9 & PPG)
- O Housing mix (H10 & SHMA)

- P Housing land supply (11 & 73)
Q Public safety (95 & PPG)

A Location of housing (S7, H1, 78-79 & PPG)

- 11.1 The Local Plan places the site beyond the defined Development Limits for town and villages, and therefore in a countryside location that is inconsistent with policies S7 and H1 on the location of housing.
- 11.2 Notwithstanding the above conflict with development plan policies, the proposal does accord with the more up-to-date national policy in the NPPF. Paragraphs 78-79 take a less restrictive approach compared with the Local Plan, supporting the growth of existing settlements while preventing isolated development that could lead to sporadic development in the countryside. The site's location adjacent the built-up area of Takeley ensures its consistency with paragraphs 78-79.

B Character, appearance and heritage (S7, GEN2, GEN5, ENV2, ENV3, ENV9, 127, 170, 189-196, PPG, LCA & VDS)

- 11.3 The introduction of a residential development on the undeveloped application site would inherently have a harmful urbanising effect on the rural character of the area, in conflict with Policy S7 and paragraph 170 of the NPPF. However, it is necessary to consider the amount of weight that should be given to this breach of policy.
- 11.4 The applicant has submitted a number of documents, with those most relevant to landscape character being the Design and Access Statement, the Arboricultural Assessment and the Landscape and Visual Appraisal. The Council's Landscape Officer has taken these documents into account and concluded that planning permission should be refused. However, as stated above, it is necessary to confirm the amount of weight to be attributed to the harm in order to enable a sound recommendation to be made.
- 11.5 Taking into account the submitted documents and the Landscape Officer's assessment, it is concluded that harmful effects would arise from the urbanisation of a rural site, the loss of mature trees along Great Canfield Road and the encroachment of development south of the Flitch Way. However, it is considered that the following mitigating factors ensure that the adverse effect can be considered no more than moderate:
- No national landscape designations apply to the site, and the only local designation is the general 'countryside' policy area
 - The site would adjoin the existing village of Takeley and development would not encroach further south than the mobile homes at Takeley Park, although it is acknowledged the mobile homes have a lesser visual impact
 - New planting could mitigate the loss of trees along Great Canfield Road, none of which are protected by a Tree Preservation Order (TPO), albeit the adverse effect would remain for some time while the trees mature
 - The indicated area of open space in the south-east corner of the site ('East Green') would prevent coalescence of Takeley and Great Canfield
- 11.6 The site does not contain any built heritage assets, although a number of

assets are located nearby. These include:

- Three Grade II listed buildings to the south, at Great Canfield Park and Canfield Byre
- A Grade II listed building to the north-east, at Wayside
- Several Grade II listed buildings and a Grade II* listed building at Smiths Green
- A scheduled monument at Warish Hall and two at Hatfield Forest

11.7 Taking into account the submitted assessments and the comments of Historic England and the Conservation Officer, it is considered that the effect of the development on the setting of nearby heritage assets would be limited. The only material impact would be on the three listed buildings to the south, but the area identified as East Green would assist in limiting the harm to a 'less than substantial' level. In accordance with paragraph 196 of the NPPF, this harm would be outweighed by the public benefits of the proposal – principally, the contribution towards housing land supply.

11.8 It is noted that the National Trust has raised an objection regarding the impact of the proposal on Hatfield Forest, although this relates to its biodiversity value rather than its status as a Historic Park and Garden. An assessment of biodiversity impacts is included under the relevant heading in this appraisal.

11.9 It is concluded that the proposal would have an adverse effect on the rural character of the area, in conflict with the above landscape character policies. Moderate weight is given to the harm from this conflict. Notwithstanding the harm to landscape character, there would be no conflict with the up-to-date heritage policies in the NPPF because the 'less than substantial' harm to heritage assets would be outweighed by the public benefit from the proposal's contribution towards housing land supply.

11.10 In assessing the proposal's effect on listed buildings, regard has been had to the Council's statutory duty under S66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

C Transport (GEN1, GEN8, 98, 102-111, PPG, Circular 1/09 & Safeguarding Direction)

11.11 The site is located adjacent Takeley, a relatively large village which has been categorised as a Key Village in the Regulation 19 Pre-Submission Local Plan due to its role as a provider of services to a wide rural area. Therefore, the residents of the new development would have access to a small range of services and facilities, and the village's role for the wider area would be reinforced. Furthermore, the proposal includes a new footpath link to the village, thereby ensuring convenient pedestrian access. It is therefore concluded that the proposal meets the sustainable transport objectives of Policy GEN1 and paragraph 103 of the NPPF.

11.12 Taking into account the comments of the highway authority and Highways England, it is considered that any adverse effects arising from the development with respect to roads and public rights of way could be suitably mitigated through measures including:

- A new footway along Great Canfield Road, connecting the development to the existing footpath on Stortford Road (B1256)
 - Widening of Great Canfield Road from the site access to the junction with the B1256
 - Improvements to the signals at the Four Ashes to provide a MOVA signal control strategy that optimises efficiency
 - A contribution to the planned improvement scheme at Junction 8 of the M11
 - A link to the Flitch Way and funding to improve the surfacing drainage and provide signage
 - Improvements to the surfacing of the PROW that runs alongside the site
- 11.13 It should be noted that the highway authority negotiated improvements to the scheme during the determination period, and has had regard to the technical reports submitted on behalf of Takeley and Great Canfield Parish Councils.
- 11.14 The Council's minimum residential parking standards would apply to the development, albeit compliance would be assessed at the Reserved Matters stage.
- 11.15 Stansted Airport and NATS have both commented on the application, raising no objections.
- 11.16 It is concluded that the proposal accords with the above transport policies, subject to the use of appropriate conditions and obligations to secure mitigation measures.

D Accessibility (GEN2, 127 & PPG)

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

E Crime (GEN2, 127 & PPG)

- 11.18 Essex Police has expressed a desire to work with the applicant to develop a design that incorporates crime prevention principles. Ultimately, the effectiveness of the design in this regard would be assessed at the Reserved Matters stage.

F Amenity (GEN2, GEN4, GEN5, ENV10, 127, 180 & PPG)

- 11.19 Taking into account the comments of the Environmental Health Officer, it is considered that conditions could secure suitable mitigation measures to prevent significant noise disturbance to future residents from traffic on the local road network, operations at Takeley Business Park and aircraft operating from Stansted Airport.
- 11.20 The majority of the surrounding land uses are residential, with the exception of commercial buildings to the north-west and agricultural land to the south and east. It is considered that the proposed residential use would be compatible with these uses, such that it would not give rise to any significant

adverse effects on the amenity of existing residents. It is therefore concluded that the proposal accords with the above policies insofar as they relate to amenity.

G Flooding (GEN3, 155-165, PPG & SFRA)

- 11.21 Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The SFRA confirms that the site is not in an area at risk of flooding but, as the proposal is a major development, national policy requires the use of a sustainable drainage system (SuDS).
- 11.22 Taking into account the comments of the lead local flood authority, it is considered that there is scope for the development to include an appropriate SuDS. Full details of the design would be secured at the Reserved Matters stage and through the use of conditions. It is therefore concluded that the proposal accords with the above policies insofar as they relate to flooding.

H Infrastructure (GEN6 & PPG)

- 11.23 Taking into account the comments of the education authority and the West Essex CCG, it is considered that the following financial contributions would mitigate the increased impact of the proposal on education and health infrastructure:
- £176,406 for early years and childcare provision
 - £515,727 for primary education provision
 - £522,315 for secondary education provision
 - £55,153 for primary healthcare provision
- 11.24 The applicant has submitted a Foul Drainage Analysis, and no objections have been raised by Affinity Water or Thames Water regarding water, drainage or sewerage infrastructure. It is therefore concluded that the proposal accords with Policy GEN6, provided that a S106 agreement is used to secure the above financial contributions.

I Biodiversity (GEN7, ENV7, ENV8, 175 & PPG)

- 11.25 The Council's ecological consultant has assessed the potential impacts of the development on the biodiversity value of the site, and the nearby Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) at Hatfield Forest and the Local Wildlife Site (LoWS) at the Flitch Way. The assessment includes cumulative impacts with other committed developments. Taking into account the consultant's response, it is considered that conditions and obligations could be used to secure appropriate mitigation.
- 11.26 Natural England and the National Trust have also identified a range of mitigation measures to counter the effect of the development on Hatfield Forest. While the former has not identified any specific financial contributions, the latter has provided justification for a payment of £20,000 towards off-site monitoring, education and maintenance. Other mitigation measures would be secured using planning conditions.

- 11.27 The Essex Wildlife Trust has raised an objection on the basis that the proposal would have an adverse effect on the Flitch Way LoWS. However, it is considered that the Council's ecological consultant has taken this into account, as well as the potential for mitigation measures, before reaching a conclusion.
- 11.28 It is concluded that, in combination with other committed developments in the area, the proposal could have a significant adverse effect on the Hatfield Forest SSSI/NNR and the Flitch Way LoWS. However, in accordance with paragraph 175 of the NPPF, the benefits from the contribution towards housing land supply would outweigh the residual adverse effects on the SSSI once mitigation measures are taken into account. Furthermore, impacts on the LoWS could be suitably mitigated.
- 11.29 S40(1) of the Natural Environment and Rural Communities Act 2006 requires local planning authorities to have regard to the purpose of conserving biodiversity when exercising its functions. Also, R9(3) of the Conservation of Habitats and Species Regulations 2017 requires Local Planning Authorities to have regard to the requirements of the Habitats Directive and Birds Directive when exercising its functions. These statutory duties have been exercised in reaching the above conclusions.

J Archaeology (ENV4, 189-199 & PPG)

- 11.30 The Historic Environment Advisor has noted some minor issues with the applicant's assessment of archaeological impacts, albeit these do not result in an objection. Therefore, provided that conditions would be used to secure appropriate trial trenching, mitigation and post-excavation assessment, it is concluded that the proposal accords with the above policies insofar as they relate to archaeology.

K Agricultural land (ENV5 & 170)

- 11.31 Policy ENV5 seeks to prevent significant losses of the best and most versatile (BMV) agricultural land, and paragraph 170 of the NPPF has a similar objective. The site falls within the general classification of Grade 2 on the Natural England maps, although a site-specific assessment in the submitted Soils and Agricultural Use & Quality report concludes that the classification is Grade 3b. Only Grades 1 - 3a are regarded as BMV agricultural land.
- 11.32 As the site is not BMV agricultural land, there is no conflict with the above policies. It is notable that, if the site did fall within a BMV category, the loss of 8.2 ha would not represent a significant breach of policy because it is small in agricultural terms and the high quality of land across the majority of the District means that some loss is inevitable. It is also noted that Natural England has raised no objections or concerns regarding agricultural land.

L Contamination (ENV12, ENV14, 178-179 & PPG)

- 11.33 The application includes a Preliminary Risk Assessment, which suggests further investigation to reduce uncertainty and to quantify any contamination risks. Taking into account the comments of the Environmental Health Officer, it is considered that conditions could be used to secure the further investigation and any remediation measures which may be found to be

necessary. It is therefore concluded that the proposal accords with the above policies insofar as they relate to contamination.

M Air quality (ENV13, 181 & PPG)

- 11.34 The application includes an Air Quality Assessment, which assesses the impact of the development on air quality during both construction and operational phases and takes into account the cumulative impact with other committed developments in the area. Taking into account the comments of the Environmental Health Officer, it is considered that NO₂ emissions from increased vehicle movements would not breach air quality objectives and emissions of PM10 and PM2.5 would be insignificant. Therefore, subject to the use of conditions to secure mitigation measures for both the construction and operational phases, it is concluded that the proposal accords with the above policies.

N Affordable housing (H9 & PPG)

- 11.35 Policy H9 and its preamble form the basis for seeking affordable housing provision from new residential developments. In this case, 40% of the housing would need to be delivered as affordable homes. The applicant has proposed such a level of provision and a S106 agreement would be used to secure the tenure. It is noted that the Council's Housing Enabling Officer has suggested an appropriate mix for the affordable housing, which would be sought at the Reserved Matters stage.

O Housing mix (H10 & SHMA)

- 11.36 Policy H10 requires that a significant proportion of market homes be delivered as small units with two or three bedrooms. The SHMA provides the most up-to-date evidence on housing requirements and identifies a pressing need for three-bedroom properties but a reduced need for two-bedroom properties. The housing mix would be determined at the Reserved Matters stage.

P Housing land supply (11 & 73)

- 11.37 Paragraphs 11 and 73 of the NPPF describe the importance of maintaining a five-year supply of deliverable housing sites. As identified in the most recent housing trajectory document, Housing Trajectory 1 April 2017 (August 2017), the Council's housing land supply is currently 3.77 – 4.2 years. Therefore, the proposed contribution of up to 135 dwellings must be regarded as a significant positive effect.

Q Public safety (95 & PPG)

- 11.38 Through its online standing advice, the Health and Safety Executive (HSE) takes the position that it advises against the granting of planning permission on safety grounds. However, taking into account the more detailed and specific advice provided by the HSE on application UTT/14/3705/OP, it is considered that there is no objection on safety grounds provided that any equipped play space in the 'West Green' would be placed outside the inner zone of the consultation distance around Takeley Park. No such play space is shown on the submitted Framework Plan and compliance with the HSE's requirements could be ensured at the Reserved Matters stage, when the

final layout would be known.

- 11.39 It is noted that no objections have been raised by UK Power Networks, Cadent Gas/ National Grid or Fulcrum Pipelines.

12. CONCLUSION

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

- A** The proposal does not accord with the development plan due to conflicts with policies on the location of housing and landscape character.
- B** Notwithstanding the above, it is concluded that the proposal represents 'sustainable development' in the context of the NPPF. The tilted balance at paragraph 11 is engaged because relevant policies for the supply of housing, including the associated site allocations and Development Limits, are out of date. In this case, the moderate adverse effect on landscape character and the limited residual adverse effects on biodiversity and heritage assets would not significantly and demonstrably outweigh the benefits from the proposal's important contribution towards housing land supply.
- C** Taking into account the more up-to-date nature of the NPPF with respect to the determining issues, it is considered that the lack of accordance with the development plan is overridden in this instance. Regard has been had to all other material considerations, and it is concluded that planning permission should be granted.
- D** The environmental impacts and mitigation measures assessed in the submitted Environmental Statement have been fully taken into account in reaching the above conclusion.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION:

- (I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by 26 October 2018 the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Finance, in which case he shall be authorised to conclude such an obligation to secure the following:**
 - (i) On-site provision of affordable housing, amounting to 40% of the total number of dwellings**
 - (ii) Payment of a financial contribution towards early years and childcare provision**
 - (iii) Payment of a financial contribution towards primary education provision**
 - (iv) Payment of a financial contribution towards secondary education provision**
 - (v) Payment of a financial contribution towards primary healthcare provision**
 - (vi) Payment of a financial contribution towards the planned**

- (vii) **improvement scheme at Junction 8 of the M11**
 - (viii) **A suitable link to the Flitch Way and a financial contribution to improve surfacing, drainage and provide signage**
 - (ix) **Payment of a financial contribution to the National Trust for use at Hatfield Forest towards visitor and botanical monitoring, visitor and community education and infrastructure maintenance**
 - (x) **Provision, maintenance and management of open space and play area**
 - (xi) **A Strategic Access Management and Monitoring Measures (SAMMs) agreement between appropriate bodies, to help facilitate the management of visitor pressure on Hatfield Forest SSSI**
 - (xii) **Payment of the Council's reasonable legal costs**
 - (xiii) **Payment of monitoring costs**
- (II) In the event of such an obligation being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below**
- (III) If the freehold owner shall fail to enter into such an obligation, the Assistant Director Planning shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:**
 - (i) **Failure to provide sufficient affordable housing**
 - (ii) **Lack of contribution towards early years and childcare provision**
 - (iii) **Lack of contribution towards primary education provision**
 - (iv) **Lack of contribution towards secondary education provision**
 - (v) **Lack of contribution towards primary healthcare provision**
 - (vi) **Lack of contribution towards the planned improvement scheme at Junction 8 of the M11**
 - (vii) **Lack of a suitable link to the Flitch Way and a financial contribution to improve surfacing, drainage and provide signage**
 - (viii) **Lack of contribution to the National Trust for use at Hatfield Forest towards visitor and botanical monitoring, visitor and community education and infrastructure maintenance**
 - (ix) **Lack of suitable arrangements for the provision, maintenance and management of open space and play area**
 - (x) **Lack of a Strategic Access Management and Monitoring Measures (SAMMs) agreement between appropriate bodies, to help facilitate the management of visitor pressure on Hatfield Forest SSSI**

Conditions

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

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

2. Application for approval of the Reserved Matters must be made to the local

planning authority not later than the expiration of three years from the date of this permission.

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

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

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

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

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

5. Following completion of the archaeological trial trenching required by Condition 4 and prior to commencement of the development, a mitigation strategy detailing the excavation/preservation strategy must be submitted to and approved in writing by the local planning authority. The works detailed in the mitigation strategy must be carried out in accordance with the approved details prior to commencement of the development.

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

6. Within three months of the completion of the works required by Condition 5, a post-excavation assessment (including the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report) must be submitted to and approved in writing by the local planning authority.

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

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

include:

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

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

REASON: To conserve and enhance biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be ‘pre-commencement’ to ensure that the development is only carried out in accordance with the above details.

8. Prior to commencement of the development, a Landscape and Ecological Management Plan (LEMP) must be submitted to and approved in writing by the local planning authority. The content of the LEMP must include the following:

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

The Plan must 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 responsible for its delivery. The Plan must also set out (where the results from monitoring show that conservation aims and objectives of the Plan 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 development must be implemented in accordance with the approved Plan.

REASON: To conserve and enhance biodiversity, in accordance with Policy GEN7 and Policy ENV8 of the Uttlesford Local Plan (adopted 2005) and the

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

9. Prior to commencement of the development, a 'Lighting Design Strategy for Biodiversity' for buildings, features or areas to be lit must be submitted to and approved in writing by the local planning authority. The strategy must:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of a design drawing and a spill light isolux drawing) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting must be installed in accordance with the specifications and locations set out in the strategy.

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. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

10. The development must be carried out in accordance with the ecological measures and/or works recommended in the submitted Environmental Statement (Lichfields, Jan 2018) Chapter E – (starting page 27) Section on Mitigation and monitoring.

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

11. Prior to commencement of the development, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, must be submitted to and approved in writing by the local planning authority. The scheme must be implemented in accordance with the approved details prior to the occupation of any dwelling, and should include but not be limited to:

- Measures to minimise the risk of off-site flooding during construction, from surface runoff and groundwater.

- 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.

REASON: To prevent surface water flooding both on- and off-site, in accordance with the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

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

REASON: To ensure the long-term effectiveness of the surface water drainage scheme, in accordance with the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

13. Prior to occupation of any dwelling, the vehicular and footway access from Great Canfield Road and the associated visibility splays must be formed in accordance with Drawing No. 17-T119-16 Rev B (09/05/2018).

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

14. Prior to occupation of any dwelling, the improvements to Great Canfield Road shown on Drawing No. 17-T119-16 Rev B (09/05/2018) must be completed. These include, but are not limited to:

- Provision of a consistent minimum carriageway width of 5.5m between the site access and the B1256
- Provision of a footway, width 1.8m with a minimum 1.58m pinch point over the bridge
- Minimum 0.6m carriageway setback across the bridge on the eastern side
- Widening of access to B1256 (incorporating full depth construction/reconstruction of the existing carriageway and surfacing of the entire width of the carriageway) retaining a minimum of 2.4 x 43m visibility splay in both directions
- Improvements to include retaining walls, safety barriers, surfacing and signing

REASON: To provide access for all users of the site, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

15. Prior to occupation of any dwelling, details of the proposed relocation of the 30mph speed limit sign(s) on Great Canfield Road must be submitted to and approved in writing by the local planning authority. The proposed 30mph section should include Great Canfield Road from the junction with the B1256 to a point south of the site access. The new sign(s) must be erected in accordance with the approved details prior to occupation of any dwelling.

REASON: To provide safe access for all users of the site and the surrounding roads, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

16. Prior to occupation of any dwelling, a MOVA (Microprocessor Optimised Vehicle Actuation) signal control strategy must be installed at the signalised junction of the B1256/B183 known as the Four Ashes and necessary optimisation of the signals to increase capacity must be provided.

REASON: To improve the efficiency of the signalised junction, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

17. A condition survey of PROW 16_27 must be taken prior to commencement of the development and upon completion. Prior to occupation of any dwelling, both surveys and details of any remedial measures to repair damage caused during the development must be submitted to and approved in writing by the local planning authority. The approved remedial measures must be completed prior to occupation of any dwelling.

REASON: To mitigate the increased impact of the development on the public right of way, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

18. Prior to occupation of any dwelling, details of a package of travel information and public transport vouchers for the future residents of the development must be submitted to and approved in writing by the local planning authority. Each dwelling must be provided with the approved package of information and vouchers prior to its occupation.

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

19. Prior to commencement of the development, a dust mitigation plan must be submitted to and approved in writing by the local planning authority. The mitigation plan must be in line with the mitigation suggested in the submitted Air Quality Assessment (Ref: LE12431-002; Wardell Armstrong, June 2018). The development must be carried out in accordance with the approved plan.

REASON: To prevent pollution of the environment and protect local air quality, in accordance with Policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

20. Prior to commencement of the development, a scheme of air quality mitigation measures must be submitted to and approved in writing by the local planning authority. The scheme must be in line with the mitigation suggested in the submitted Air Quality Assessment (Ref: LE12431-002; Wardell Armstrong, June 2018). The development must be carried out in accordance with the approved scheme prior to occupation of any dwelling.

REASON: To prevent pollution of the environment and protect local air quality, in accordance with Policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

21. Prior to commencement of the development, a scheme for protecting the proposed dwellings from noise from road traffic must be submitted to and approved in writing by the local planning authority. The scheme must follow the recommendations identified in the submitted Air Quality Assessment (Ref: LE12431-002; Wardell Armstrong, June 2018). The approved scheme must be completed prior to occupation of any dwelling.

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

22. Prior to commencement of the development, a Phase 2 Investigation Report, as recommended by the submitted Preliminary Risk Assessment (Ref: 301919; RSK Environment Ltd, July 2017), must be submitted to and approved in writing by the local planning authority.

REASON: To protect human health and the environment, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

23. Prior to commencement of the development, a remediation strategy following the recommendations of the details approved pursuant to Condition 23 must be submitted to and approved in writing by the local planning authority. The strategy must include:

- An options appraisal giving full details of the remediation measures required and how they are to be undertaken
- A plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action

Remediation must be carried out in accordance with the approved strategy prior to commencement of the development.

REASON: To protect human health and the environment, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

24. Prior to occupation of any dwelling, a validation report that demonstrates the effectiveness of any remediation measures approved pursuant to Condition 24 must be submitted to and approved in writing by the local planning authority.

REASON: To protect human health and the environment, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

25. 5% of the dwellings must be built in accordance with Requirement M4(3) (Wheelchair user dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition. The remaining dwellings must be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

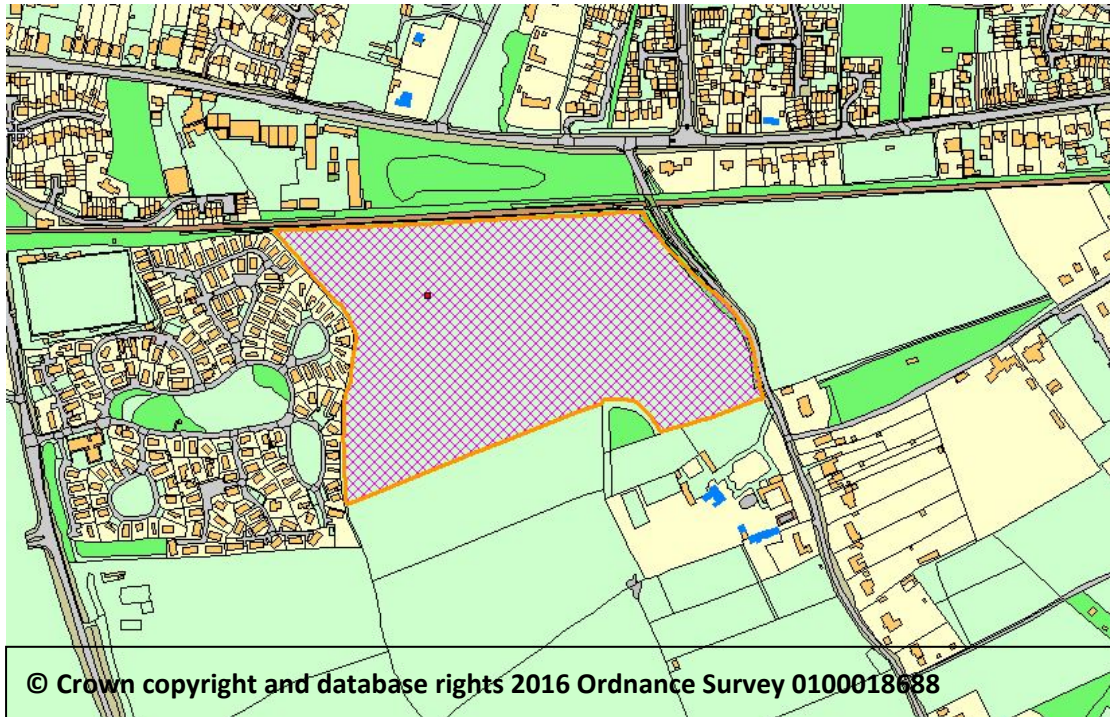
REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

26. The development must be carried out in accordance with the tree protection measures in the submitted Arboricultural Assessment (FPCR, January 2018).

REASON: To ensure that the development would not adversely affect the health of adjacent trees, in accordance with Policy GEN2 and Policy ENV1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

Application: UTT/18/0318/OP

Address: Land West of Great Canfield Road, Great Canfield



Organisation: Uttlesford District Council

Department: Planning

Date: 12/09/2018

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UTT/18/0750/OP – THAXTED.

(reason for referral: more than five dwellings).

PROPOSAL: Outline application for the demolition of the existing buildings and the erection of fifteen dwellings with all matters reserved except layout and access.

LOCATION: Land at Claypits Farm, Bardfield Road, Thaxted, CM6 3PU.

APPLICANT: Salacia Limited.

AGENT: Mrs Hazel Izod, Sworders.

EXPIRY DATE: 30 September 2018.

CASE OFFICER: Peter McEvoy.

1. NOTATION:

1.1 NOTATION:

The following planning constraints apply to the application site:

- Thaxted conservation area.
- partly inside and partly outside Thaxted's development limits.
- TPO on site.
- archaeological site.
- general aerodrome directions.

2. DESCRIPTION OF SITE:

- 2.1 The application site lies towards the east of the centre of Thaxted, and to the south of the ribbon development of Bardfield Road. For ease of reference, the site is behind Thaxted's fire station.
- 2.2 The application site is brownfield: it is a former farm, with associated farm buildings and silos in a poor state of amenity. The land rises in a north to south direction and the applicant states that the development area would be 0.71ha (71 000m²).

3. PROPOSAL:

- 3.1 The applicant originally requested outline planning permission for the demolition of the existing buildings on site and the erection of up to sixteen dwellings. All other matters, apart from access, were reserved and would have been determined at a later application.

The entrance would be from the existing access point at Bardfield Road, though with modifications to comply with highway safety. The road would then follow the rise of the land, leading to the housing development that would be arranged along the road and a 'T' shaped cul-de-sac.

Following consultee comments regarding the number of dwellings and the general arrangement of the development, amongst other factors, the applicant revised the

proposal and the amendments can be summarised as follows:

- the proposed number of dwellings has been reduced from sixteen to fifteen of the following house types:

5	two bed
7	three bed
3	four bed

- additional planting to soften the buffer between the development and the heritage asset as well as the entrance site.
- parking layout reduced to lessen the prominence of on street parking. The applicant is required.
- outline consent is now sought for layout as well as access.

4. ENVIRONMENTAL IMPACT ASSESSMENT:

4.1 Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017:

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

5. APPLICANT'S CASE:

5.1 The applicant company has included the following documents as part of its submission:

- bat survey report and outline bat mitigation strategy.
- design and access statement.
- drainage strategy (revised).
- planning statement (including subsequent additional information).
- transport statement.
- tree survey.
- National Planning Policy Framework (NPPF) update.
- sustainable drainage checklist (revised).
- biodiversity checklist and preliminary ecological appraisal report.

6. RELEVANT SITE HISTORY:

6.1 There is no relevant planning history for this site, but the applicant did seek pre-application advice from the LPA (ref: UTT/17/1497/PA) where the Council indicated that the scheme would be broadly acceptable.

7. POLICIES:

7.1 National Policies:

- National Planning Policy Framework (2018).

7.2 Supplementary Planning Documents/Guidance:

- SPD Parking Standards Design and Good Practice.
- SPD Accessible Homes and Playspace.
- Essex Design Guide (2018).
- Strategic Market Housing Assessment.

7.3 Local Plan Policies (2005):

- Policy S3 – Other Development Limits.
- Policy S7 – The Countryside.
- Policy GEN1 – Access.
- Policy GEN2 – Design.
- Policy GEN7 – Nature Conservation.
- Policy ENV1 – Design of Development within Conservation Areas.
- Policy ENV2 – Development affecting Listed Buildings.
- Policy ENV12 – Protection of Water Resources.
- Policy ENV14 – Contaminated Land.
- Policy H10 – Housing Mix.
- Policy H9 – Affordable Housing.

7.4 Other considerations:

- Thaxted Conservation Area Appraisal.

7.5 Thaxted Neighbourhood Plan:

The Thaxted Neighbourhood Plan has now been submitted for examination, with an initial report expected in the next couple of weeks. Paragraph 48 of the NPPF (2018) states that the weight given an emerging plan depends on a number of factors:

- the stage of preparation of the emerging plan;
- its consistency to the Framework's policies; and
- whether there are any unresolved objections to relevant policies.

The Plan has not been adopted ('made') yet and so it cannot be used as a basis for planning policy, a view confirmed by a Planning Inspector in the recent appeal case at Little Maypole in Thaxted (APP/C1570/W/17/3187821). The applicant is not required to meet the policies of the Thaxted Neighbourhood Plan and its associated documents.

8. PARISH COUNCIL COMMENTS:

8.1 The Parish Council is supportive of the development on the site and considers that the scale of development proposed is reasonable, but they object to the proposal for the following reasons:

- sight lines are over land that is outside the applicant's control, in other words, Essex County Council and Thaxted Parish Council. The Parish Council is not prepared to allow its land to be used in this way as it may prejudice future council aspirations.
- the site is within the conservation area, and they consider that any planning application should be for detailed consent and they do not believe that Uttlesford District Council can determine this outline application and indeed must refuse it.

- impact on the setting of Claypitts Farmhouse, a listed building.
- pressure to lop or even fell the sycamore tree which is subject to a preservation order that is on the island in the middle of the junction.
- the applicant did not work closely with those directly affected by the proposal, or take into account the important role in facilitating social interaction and creating healthy and inclusive communities, contrary to the NPPF.
- the Parish Council would want the development to incorporate safe and accessible developments, with legible pedestrian routes and high quality public space which encourages the active and continual use of public areas.
- no affordable housing.
- no community green space.
- concerns about access routes, especially as the proposed entrance is opposite a school and runs in front of a listed building.

9. CONSULTATIONS:

9.1 The Local Highways Authority (Essex County Council):

- 'Pre-app consultation took place on this application and as a result a safety audit and swept path analysis were requested. The proposed accesses have the required visibility, it has been demonstrated that a large refuse vehicle can enter the site via the improved eastern access. Although this access is opposite Magdalen Green, the low number of vehicles likely to use the development access means this is unlikely to be an issue and it was not raised in the safety audit.
- 'It is understood that the access road will remain a private road and not be offered for adoption. Adequate visibility has been demonstrated along the private road and the proposed road markings and signage make clear that pedestrians will be using it. A footway is to be provided to connect the western access road to the existing footway on the southern side of Bradfield Road.
- 'Therefore it is considered that the proposal is not detrimental to highway safety.'

9.2 Environmental Health (Uttlesford District Council)

This consultee raised two points:

(a) noise attenuation:

The proposal site is located in an area which will be subject to noticeable aircraft noise. Noise exposure contours published by CAA indicate the site lies within the 48 dB LA_{eq} contour for night noise, and the development therefore has the potential to be adversely affected by unacceptable levels of noise pollution. A condition should be attached to any planning permission requiring a scheme of noise mitigation has been submitted and approved in writing by the local planning authority before work begins on the scheme.

(b) site contamination:

The proposal site has previously been used as a vehicle workshop and storage barn. A Phase 1 desk top study accompanies the application, and it recommends further investigation to evaluate the risk to human health and other receptors. A

condition should be attached to any planning permission requiring an acceptable remedial scheme to remove any contamination on site before work begins on the development.

9.3 Anglian Water:

The company does not object to the proposal, subject to a condition attached to any planning permission requiring a surface water management stratagem has been submitted to and approved in writing by the local planning authority to address any issues arising from flooding. The applicant has submitted a revised drainage plan, but the LPA had not received the water company's response by the time this report was written.

9.4 Ecology (Essex County Council – Place Services):

There was an initial holding objection, but after further consultation between the applicant's agent and Place Services, the scheme is now considered to be broadly acceptable.

9.5 Conservation Officer (Uttlesford District Council):

The Conservation Officer had concerns regarding the original indicative layout would be unlikely to result in a high quality development. It implies a standard unremarkable grouping of houses of untraditional wide spans, car dominated street scene and predicted close boarded fencing facing open countryside. To overcome these problems, the number of units would have to be reduced.

Subsequent to the revised application, the officer made the following comment: The revised indicative layout represents some improvement to the previous one. However I still foresee design issues which will have to be overcome at full application stage. The applicant should consider the use of units of much more traditional narrower span and steeply pitched roofs. Seven parking spaces should not form an entrance to the site and the road should be terminated in a dwelling forming a visual stop rather than perceived access to a potential further development of the agricultural land. It should be made clear that only highest quality of natural materials including hand made plain clay tiles and painted timber external joinery would be acceptable.

9.6 Sustainable drainage (Essex County Council, Development and Flood Risk)

There was an initial holding objection, but after the applicant provided further information and a revised drainage scheme, the scheme is now considered to be broadly acceptable, subject to conditions.

9.7 Crime Prevention Officer:

We would like to see the developer seek to achieve a Secured by Design award in respect of this proposed development in accordance with Local Plan Policy GEN2(d). 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.

9.8 Aerodrome Safeguarding Response (MAG London Stansted Airport):

The proposed development has been examined for aerodrome safeguarding, this proposal does not conflict with any safeguarding criteria. Accordingly, Stansted

Airport has no safeguarding objections to the proposal.

- 9.9 The LPA also sought the views of the Council's landscaping officer, Affinity Water, amongst others but had not received an response at the time this report was prepared.

10. REPRESENTATIONS:

- 10.1 The LPA advertised the proposal by way of a site notice and notifying forty four neighbouring occupiers. The responses, which includes additional comments made following the reconsultation may be summarised as follows:

- road safety concerns.
- traffic generation.
- 'line of sight' which passes through our drive.
- access may have to be widened and likely to provide detrimental to the setting of the farmhouse and possible risk to a large sycamore tree.
- possible right of way easement crosses the application site.
- the extension of the existing footpath require major infrastructure works which would involve significant road traffic confusion with consequent danger to school children attending the nearby school.
- loss of view.
- over intensive development against the Thaxted Historic Character Assessment.
- commonplace design with little architectural merit.
- visually intrusive development on the edge of the historic core of the village and it would be adjacent to the Grade II listed property, Claypitts Farmhouse.
- design concerns, for example the buildings should be limited to one and a half story given the elevation of the site compared to its surroundings.
- given the sensitivities of the site, it is inappropriate for the application to be for outline permission only.
- no guarantee of that housing mix would be carried through to the full application.
- no provision for low cost housing.
- part of the site is within the conservation area and any development must enhance the special character of the site, including the setting of Claypitts Farmhouse.
- views of the house from the road and the views from it by its occupants from should be protected at all costs to preserve the site's heritage.
- vague plans.
- no consultation.
- concerns about flood risk and drainage plans.
- cramped and overbearing on the Bardfield Road streetscene
- loss of privacy to occupiers of 'Swallows', Bardfield Road
- any attempt to excavate the ground near boundary walls would require

underpinning to prevent subsidence, in addition to relocating Victorian sewerage pipes (with two inspection covers), gas, electricity and other infrastructure.

Note: these comments include those submitted by The Thaxted Society and the Thaxted Neighbourhood Plan Steering Group.

- 10.2 The following planning matters are considered in the report:
- highway access
 - sustainable drainage.
 - impact on the conservation area.
 - impact on the setting of a listed building.
- 10.3 The following issues will be considered when the applicant submits an application for the reserved matters:
- design, properties' scale, appearance, and the proposal's relation to the general streetscene.
 - impact on residential amenity, such as a neighbouring occupier's loss of privacy.
- 10.4 The following points are not material planning considerations:
- loss of a view over land under the control of a third party.
 - damage to third party property during construction works would be resolved between the relevant parties, through legal action if necessary.
 - the possible existence or establishment of easement rights is a matter for the parties concerned and it is not a determining factor in whether or not to grant consent. In any event, planning permission would be subject to any such rights.
- 10.5 Other comments:
- the plans are detailed enough to determine an outline application, though they would not be sufficient to assess a full planning application.
 - the LPA would encourage consultation between the applicant and neighbours, but there is no requirement for the applicant to do so for schemes of this size.

11. APPRAISAL:

- 11.1 This application is for outline permission only. The applicant is requesting outline planning permission to determine if the principle of the proposed development can be established on this particular site, the proposed layout is satisfactory and if the local highways authority consider that the intended access is acceptable.
- 11.2 Certain other planning matters naturally arise when deciding the principle of development, such as whether the site is contaminated, and if it is, whether the proposed mitigation measures are sufficient to ensure that the site would be suitable for residential housing. Considering these matters now – known as 'front loading' – provides the applicant with some certainty about the proposal. They are listed below.

11.3 Other planning matters, though they are important, are not considered at this stage. They include visual and residential amenity, impact on the street scene and so on. The applicant will need to make a further and more detailed application for these reserved matters and neighbouring occupiers and other consultees will have the opportunity to comment further on the application. The grant of outline permission does not guarantee that the Planning Committee would approve any subsequent proposal for the reserved matters.

11.4 On this basis, then the planning considerations are:

- A The principle of development (NPPF, Local Plan Policies S3 and S7).
- B Access (Local Plan Policy GEN1).
- C Biodiversity (Local Plan Policy GEN7).
- D Drainage (Local Plan Policy GEN3).
- E Impact on the conservation area (NPPF, Local Plan Policy ENV1, Thaxted Conservation Area Appraisal).
- F Impact on the setting of the nearby listed building (NPPF, Local Plan Policy ENV2).
- G Noise sensitive development (Local Plan Policy ENV10).
- H Layout (Local Plan Policy GEN2).
- I Housing Mix (SMAA, SPD, Local Plan Policy H10).
- J Affordable Housing (Policy H9).

A The principle of development:

11.1 The Local Plan, which was adopted on 20 January 2005, identifies the site as being partly outside any settlement limits, that is, within the open countryside and so both Policy S3 (other development limits) Local Plan Policy S7 (the countryside) apply to the proposal.

11.2 Policy S3 permits village extensions at Thaxted if the development is compatible with the settlement's character and countryside setting. A full assessment of the development in these terms would be more properly assessed in the reserved matters stage, but if the development is sympathetically design then there is no reason to suppose that the proposal would not meet Policy S3's requirements. In any event, only a very small part of the site to the north lies within the settlement boundary.

11.3 Policy S7 recognises the intrinsic value of the countryside by limiting development that either needs to take place in such locations or else would be appropriate for the area. There are some exceptions relating to limited infilling, but the LPA does not consider that the site constitutes an infill plot. However, policy S7 cannot solely be used in the determination of the application for the following reasons:

- (a) following the adoption of the Local Plan, the Government published its overarching National Planning Policy Framework in March 2012, which was subsequently revised in July 2018. The Framework obliged planning authorities to take a more flexible approach to sustainable development; and
- (b) there are additional considerations where as is the case for Uttlesford District Council, a LPA cannot demonstrate a five years' supply of deliverable housing sites.

11.4 (a) *The introduction of NPPF:*

The LPA asked an independent consultant in July 2012 to check the compatibility of the Local Plan's policies against the Framework's new requirements. The report concluded that Policy S7 was only partially consistent with the Framework, as it took a too restrictive to sustainable development in the countryside.

11.5 (b) *A five year supply of housing:*

The NPPF requires the Council to identify at least five years' supply of housing land.

11.6 The Council's most recent housing projection was in August 2018 and it identified that the housing land supply for Uttlesford was less than the five year requirement. In such circumstances, the LPA must apply paragraph eleven of the Framework and grant planning permission if:

- the proposal simultaneously satisfies all three of the NPPF's criteria for sustainability development (that is economic, social and environmental); and
- any harm arising from the proposal's harm does not *significantly* and demonstrably outweigh any benefit created by the development, which would be assessed on whether the proposal meets all other relevant planning policies.

11.7 *NPPF sustainability criteria:*

Economic role: a strong, responsive and competitive economy by ensuring, amongst other things, that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.

The application site is within easy reach of town's services and facilities and adjacent to existing residential units. The development would address, albeit in a small way the Council's shortfall of housing supply. Any economic benefit created by the construction of the development would be limited and temporary in nature, and so would carry limited weight. The new occupants would support Thaxted's services. Against this benefit, the LPA notes that there are limited employment opportunities in Thaxted.

Social role: supply the required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

Future occupants could readily access Thaxted's centre. Future occupiers would have the opportunity to take part in the town's social activities and to support the local community. The proposal would provide new dwellings that comply with the accessibility requirements of Part M of the Building Regulations for less able occupiers.

Environmental Role: protect and enhance the natural, built and historic environment, including improvements to biodiversity and minimising waste and the impact on the environment.

The application site is currently in a poor state of repair and the conversion of redundant and unremarkable farm buildings to a modern and potentially attractive development would improve the local environment. Furthermore there is an additional benefit from the dwelling units being energy efficient with features to ensure low carbon usage, as required by building regulations.

- 11.8 To conclude, without a current five year supply of housing, the LPA must assess the proposal against the NPPF's sustainability criteria, rather than just Policies S3 and S7. Developments should be approved if the proposal meets the three tests of sustainability and its benefits outweigh any harm. The proposal would satisfy all three criteria. The principle of the development on the site is acceptable – providing the proposal meets all other relevant planning policies.

B Access:

- 11.9 Applicants are required to show that their development would not compromise the safety of the highway by ensuring that any additional traffic generated by the development can easily be accommodated within the existing highway network (Policy GEN1).
- 11.10 Essex County Council, who act as the local highways authority, have examined the plans and they are satisfied that the proposal would not compromise the general safety of the highway. The applicant undertook pre-application advice with the highways authority and was able to demonstrate that the visibility splays met the authority's required standards, emergency vehicles would be able to access all parts of the site and the limited traffic generation created by a relatively small scheme would not be material to justify a reason for refusal on safety grounds. In relation to pedestrians, additional footpaths would be provided with proposed road marking and signage to make drivers aware of the presence of non-vehicular highway issues.
- 11.11 Overall the officers consider the proposal to be acceptable in terms of highway safety and traffic generation, subject to the conditions.
- 11.12 There appears to be some disagreement over the ownership of land that would provide the necessary visibility splays for the site entrance. This is not a planning consideration and the LPA does not have the necessary capacity to adjudicate on such matters. The applicant is responsible for ensuring that visibility splays are both achievable and can be maintained, otherwise any permission could not be implemented.
- 11.13 Parking requirements will be decided at the reserved matters stage.

C Biodiversity and Protection of Natural Environment:

- 11.14 Paragraph 98 of Circular 06/05 (Biodiversity and Geological Conservation) states 'that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would likely to result in harm to the species or its habitat' (p33) and the NPPF emphasises the need for the planning system to enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. The application site is not subject of any statutory nature conservation designation.
- 11.15 Policy GEN2(b) applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation.
- 11.16 Place Services considered the applicant's initial biodiversity documentation to be

unsatisfactory as the report did not clarify the proposed mitigation and enhancement measures for bats, a protected species. Following Place Service's holding objection, the applicant provided the additional information to address these concerns and the LPA has received an email from the officers confirming that they were happy with the proposal, subject to conditions.

D Drainage:

- 11.17 The site lies within flood risk zone 1 (as identified by the Environment Agency's flood map) which means that it is at the lowest risk of flooding. Local Plan Policy GEN3 states that development in such locations must not increase the risk of flooding through surface water run-off onto land owned by third parties, or the highway. A properly designed drainage scheme should minimise the risk. Sustainable drainage should also be considered as an appropriate flood mitigation measure in the first instance. The representations from Anglian Water are noted.
- 11.18 In relation to drainage, the applicant's original proposals were deemed to be unsatisfactory because the original documentation did not comply with the County Council's requirements. The applicant then submitted further and more detailed information and on the basis of those documents, the consultants withdrew their holding objection, subject to the applicant.
- 11.19 The applicant has indicated a willingness to enter into a s106 agreement with the LPA to provide a sustainable drainage plan.

E Impact on the conservation area:

- 11.20 Policy ENV1 is concerned about the design of a development within a conservation area. A proposal would comply with this policy, if it would preserve or enhance the character and appearance of the conservation area, which is set out in the Thaxted Conservation Area Appraisal.
- 11.21 Based on the Council's proposal map, only the far top left north western corner, including the access point and a small part of the access road is within Thaxted's conservation area. The majority of the proposal lies outside the conservation area and so any detrimental impact would not be material.

F Impact on the setting of the listed building:

- 11.22 Policy ENV2 requires any development that has the potential affecting a listed building should be in keeping with the asset's scale, character and surroundings. The development is considered to be a sufficient distance away from the listed building to ensure that any impact would not be enough to justify a refusal on these grounds.

G Noise sensitive development and disturbance from aircraft:

- 11.23 Policy ENV10 states that noise sensitive development, such as housing, would not be permitted if the occupants would experience significant noise disturbance, based on the appropriate noise contour for the type of development and the proposed design and sound proofing features.
- 11.24 Aircraft movements are a major source of noise in Uttlesford. The site is close to Stansted Airport and so there is a potential for future occupiers of the development to experience excessive noise from aircraft approaching and leaving the airport.

- 11.25 The Council's Environmental Health Officer has identified the site as being in area which would be subject to noticeable aircraft noise and so the development has the potential to be adversely affected by unacceptable levels of noise pollution. The Officer therefore recommends a noise mitigation scheme as a condition of planning permission to ensure the estate's future occupiers have an element of protection against elevated noise levels. The LPA considers that such a requirement is reasonable under the circumstances.

H Layout:

- 11.26 Policy GEN2 provides guidance on the layout of a development, which includes how the development is arranged and whether it makes a positive contribution to the immediate area in terms of visual and residential amenity and to future occupiers as well. The Essex Design Guide also provides considerable guidance and suggestions.

- 11.27 In terms of the development the following points apply:

- the applicant has stated that the Council's guidelines on private amenity space will be met, that is an area of 50m² for the two bedroom dwelling and 100m² for houses with three or more bedrooms. These guidelines ensure that the dwellings are a sufficient distance apart to prevent a crowded overdevelopment.
- the dwellings are orientated in an east to west direction, like the properties along Bardfield Road with the dwellings along the turning circle providing an element of the closing off of the development and making a clear demarcation with the countryside beyond.
- the Conservation Officer's comments relating to the visible car parking and gaps in the buildings are noted, but these could be overcome to a large extent by sympathetic planning to provide an element of screening.
- the local highways authority has not expressed any concern about access for emergency vehicles across the site.
- the LPA is unable to give a definitive guide about residential amenity, such as the potential for overlooking, as this will depend on final design details, which would be determined at the subsequent reserved matters stage. Nevertheless, there is no reason to suppose that the proposal would create a detrimental impact on amenity, providing it was carefully designed.

- 11.28 Overall, the proposal's layout is considered acceptable.

I Housing mix:

- 11.29 Local Plan Policy H10 states that residential development on sites of 0.1ha or are proposing three or more dwellings should include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include small two and three bed homes, which must represent a significant proportion of the total. Since the adoption of the above policy, the Council has adopted the Strategic Housing Market Housing Assessment (September 2015). The Assessment identified that the market housing needs for Uttlesford had changed since the Local Plan in 2006. The supplementary planning document, Accessible Homes and Play Spaces also requires that residential developments of ten or more should provide bungalows as part of the scheme.

- 11.30 The applicant's proposed housing mix is summarised in the table in paragraph 3.1, and the proposal broadly complies with the requirements of Policy H10 and the Strategic Housing Market Assessment.

J The provision of affordable housing.

- 11.31 The affordability of housing is a particular concern in the district with many residents unable to purchase their own home due to the high price of property. Local Plan Policy H9 recognises this issue and residential developments are expected to provide a number of affordable dwellings: the exact amount depends upon the size of the development, amongst other factors.
- 11.32 Despite the provisions of Policy H9, however, the Government has issued several guidance notes relating to affordable housing, including the vacant building credit ('VBC') which the Government believes can encourage the redevelopment of small brownfield sites, which often require disproportionate remedial costs. The applicant has asked the LPA to apply the VBC criteria to this proposal. The VBC is now part of the NPPF (paragraph 63).
- 11.33 Where a vacant building is brought back into lawful use, or is demolished to be replaced by a new building, in certain circumstances developers are given an allowance – the credit – which can be offset against their requirement to provide affordable housing (or a financial contribution to provide affordable housing elsewhere).
- 11.34 Only vacant buildings which have not been abandoned can count towards the credit (NPPF, page 17) This requirement prevents an applicant deliberately making buildings vacant for the sole purposes of re-development, such as determining a lease to remove tenants.
- 11.35 The amount of credit is based on the difference in the floor spaces of the site's vacant buildings and the new development, expressed as a fraction against the floor space of the new development. Affordable housing contributions may be required for any *increase* in floor space.
- 11.36 By way of an example, where a vacant building with a gross floor space of 16 000m² is to be demolished as part of a proposed development with a gross floor space of 20 000 m², then any affordable housing contribution should be a fifth (ie 4 000 ÷ 20 000) of the level that would normally be sought.
- 11.37 The applicant's justifications and calculations are set out in the accompanying planning statement and so are not reproduced here, but the applicant argues that as the development would result in a *reduction* of floor space, then the LPA cannot require the applicant to contribute to affordable housing. Officers have assessed the document and have to concur with the applicant's analysis.

12 CONCLUSION:

- 12.1 The proposal is in accordance with national and local planning policies and so it is a satisfactory form of development for the following reasons:

- A** The site is considered to be in a sustainable location and so the principle of a residential development at this location has been established.

- B** The Local Highways Authority is satisfied that the proposal's access would not compromise the safety of the highway and so are acceptable.
- C** Place Services is satisfied that the proposal would not have an adverse effect on the biodiversity of the site, subject to conditions.
- D** Essex County Council is satisfied that the drainage arrangements are sufficient for the site's intended use.
- E** There are no material impacts on either Thaxted's conservation area, or the setting of the nearby heritage asset.
- F** Future occupiers of the site could be adversely affected by aircraft noise, but sufficient counter measures could be introduced to minimise such an impact. A noise impact assessment is therefore required to ensure that the risk is addressed.
- G** The layout, whilst perhaps not the best possible for the site, is still nevertheless considered to be acceptable, subject to later design detailing.
- K** The proposed housing mix is acceptable.
- L** There is no requirement for the applicant to provide affordable housing or a financial contribution in lieu of affordable housing on site.

RECOMMENDATION – APPROVE WITH CONDITIONS, SUBJECT TO A SECTION 106 AGREEMENT TO SECURE A MANAGEMENT PLAN RELATING TO SUSTAINABLE DRAINAGE.

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Parking, storage facilities and wheel cleaning facilities to be provided on site from commencement and throughout the period of construction.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that there is a facility to allow provision for wheel cleaning on site so that there that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011 and Uttlesford Local Plan Policy GEN1.
- 3 Prior to first occupation, the eastern access shall be provided as shown in principle on drawing number IT143/SK/04 with a minimum width of 5.5m and associated visibility splays of 2.4 by 43m in both directions. The visibility splays for both the eastern and western accesses and the access road shown on the drawing, shall be provided before the first use by vehicular traffic associated with the development and 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 in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

and Uttlesford Local Plan Policy GEN1.

- 4 Prior to first occupation a footway of minimum width 1.5m shall be provided to link the western access with the existing footway on the southern side of Barfield Road

Reason: To increase the accessibility for pedestrian in accordance with Policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

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

Reason: To ensure that appropriate parking for vehicles and cyclists are provided in the interests of highway safety and efficiency in accordance with policy DM8 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policies GEN1 and GEN8.

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

Bedrooms (23.00-07.00)	30 dB LA _{eq} and 45 dB LA _{max} .
Living Rooms (07.00-23.00)	35 dB LA _{eq}

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

Reason: in the interests of the amenity of future occupiers and in accordance with Uttlesford Local Plan Policy ENV10.

Justification: a pre-commencement condition is necessary to ensure that the applicant's proposed mitigation measures to safeguard the amenity of future occupiers will be sufficient to guard against noise, as far as possible, before building work begins.

- 7 No development (with the exception of demolition works to facilitate the site investigation) shall take place until an assessment of the nature and extent of contamination, based on the findings of the ground conditions report prepared by Herts and Essex Site Investigations dated October 2017, has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site, and must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to human health, the water environment, property (existing or proposed), service lines and pipes, adjoining land and any other receptors identified as relevant.

If found to be necessary as a result of the above, then a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The scheme must include all works to be undertaken, proposed remediation objectives, an appraisal of remedial options, a timetable of works and site management procedures.

The remediation scheme for each phase shall be implemented in accordance with the approved timetable of works. Within two months of the completion of measures identified in the approved remediation scheme, a validation report demonstrating that the remediation objectives have been achieved must be submitted to and approved by the Local Planning Authority.

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 three days to the Local Planning Authority. An assessment must be undertaken in accordance with the requirements of the above paragraphs, 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. 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 paragraph three.

Reason: To ensure that the proposed development does not cause pollution of Controlled Waters or harm to human health, and in the wider interests of safety and residential amenity, in accordance with Uttlesford Local Plan Policies GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 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 demonstrate compliance with the NSTS and ECC's Sustainable Drainage Systems Design Guide and should include but not be limited to:

- Limiting discharge rates from the site to 2l.s^{-1} as indicated within the Revised Drainage Strategy
- Provide sufficient surface water storage so that the runoff volume not adversely affect flood risk and that unless designated to flood that no part of the site floods for a 1 in 30 year event, and 1 in 100 year event in any part of a building, utility plant susceptible to water within the development.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage

scheme.

- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason: to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, 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 and in accordance with Uttlesford Local Plan Policy GEN3.

Justification: Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

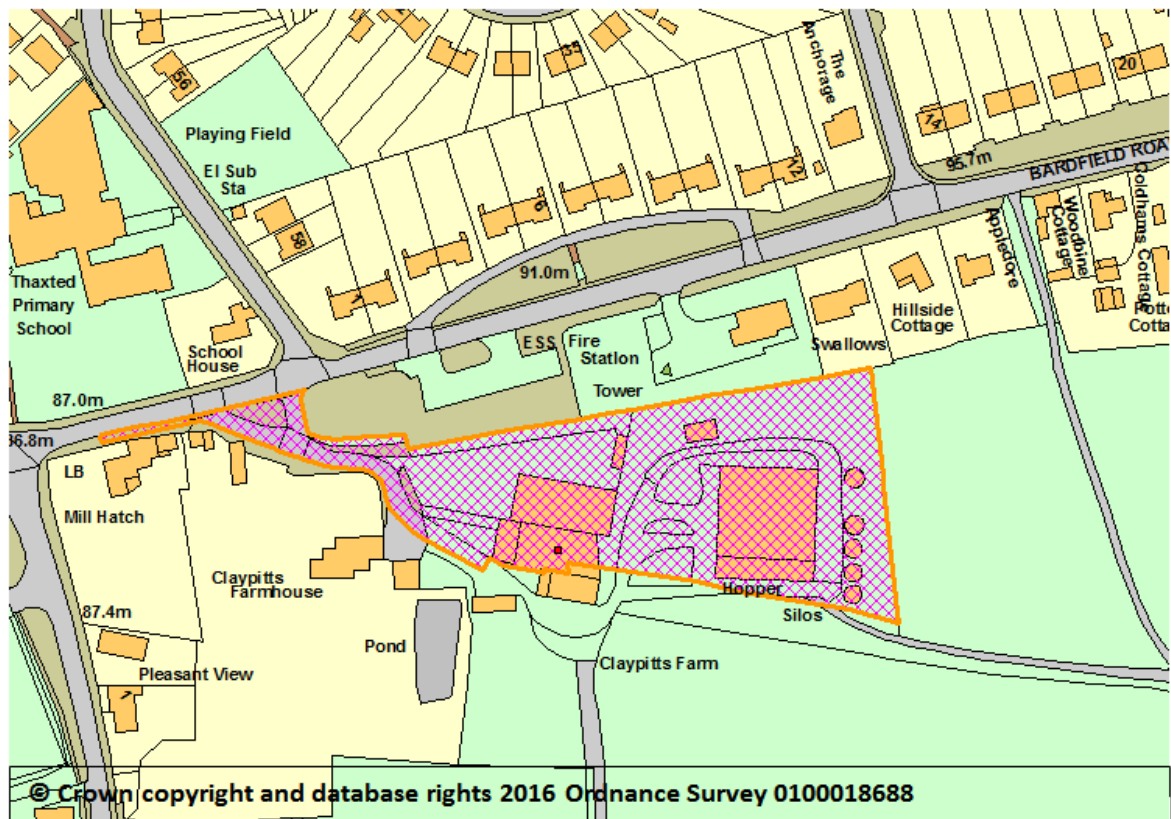
- 9 No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities and frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. 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 and in accordance with Uttlesford Local Plan Policy GEN3.

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

- 10 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 and in accordance with Uttlesford Local Plan Policy GEN3.



Organisation: Uttlesford District Council

Department: Planning

Date: 18 September 2018

UTT/18/0386/FUL – HATFIELD BROAD OAK

PROPOSAL:	Demolition of existing out buildings and erection of eight detached dwellings and a block of garages
LOCATION:	Great Chalks High Street Hatfield Broad Oak CM22 7HQ
APPLICANT:	Foxley Group Ltd
AGENT:	Mr P Cavill
EXPIRY DATE:	10.04.2018 Extension of time: 3rd October 2018
CASE OFFICER:	Madeleine Jones

1. NOTATION

- 1.1 Within Development Limits. Adjacent to Listed Buildings. Part of site within Conservation Area. Tree Preservation Orders. Protected Open space. Within 500m of known Great Crested Newt Colony.

2. DESCRIPTION OF SITE

- 2.1 The site consists of a substantial, three storey detached dwelling with a detached stable block to the side. The dwelling is red brick and has a symmetrical frontage with three gabled projections. The stable block is side onto the road and has a brick front with a gabled parapet to the street and white weatherboarding on the long elevation. The High Street at this section is predominantly of Georgian character.
- 2.2 The site is located to the south of the High Street and has a large rear garden to the rear which has several trees to its boundaries and throughout. The tops of the trees in the open ground south of the high Street can be seen across the courtyards and outbuildings of Great Chalks and Bury House.
- 2.3 There is an existing vehicular access point into the site from the High Street. The entrance is a gated. The gates are side hung and are solid timber supported on brick piers. Either side of the gates is a red brick wall. Immediately to the front of the house is a hedge and metal railings.

3. PROPOSAL

- 3.1 The proposal is for demolition of outbuildings, and the erection of eight detached dwellings (including one bungalow) and a block of garages. The frontage gates and brick wall either side of the gates would be demolished. The attached single storey boiler house to the side of the house, with greenhouse to the rear would also be demolished.
- 3.2 The proposal also includes additional parking for visitors and the public and the applicant has confirmed that they will make contributions for affordable housing in

lieu of provision.

- 3.3 The proposal has been revised several times and layout and parking for plot one and plot 4 has been amended. Additional visitor parking has been added. The electric gates and entrance gates have been removed. The clock tower has been removed and the garage block redesigned.

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 by a Design and Access Statement , Arboricultural Report, Biodiversity checklist, Ecological Assessment, Transport Assessment, Landscape Strategy, and Flood Risk Assessment

6. RELEVANT SITE HISTORY

- 6.1 None

7. POLICIES

Uttlesford Local Plan (2005)

- 7.1 Policy S3: - Other Settlement boundaries.

Policy ENV3:- Open Spaces and Trees

Policy ENV1:- Design of development within Conservation Areas

Policy H3: - New houses within Development Limits.

Policy H4 – Backland development

Policy H10: Housing Mix

Policy H9: Affordable Housing

Policy GEN1: Access

Policy GEN2: Design

Policy GEN6: Infrastructure Provision

Policy GEN7: Nature Conservation

Policy GEN8: Vehicle Parking Standards

Policy ENV7: The Protection of the Natural Environment Designated Sites

Policy GEN3: Flood Protection

Policy GEN4: Good neighbourliness

Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance

Policy ENV2: Listed Buildings

7.2 Supplementary Planning Documents/Guidance

SPD: Accessible Homes and Playspace

Uttlesford Local Parking Standards

Hatfield Broad Oak Conservation Area appraisal (Approved 2013)

7.3 National Policies

National Planning Policy Framework (NPPF) (Revised, July 2018)
NPPG

7.4 Other Material Considerations

Draft Local Plan Regulation 19

Local Heritage list

8.0 PARISH COUNCIL COMMENTS

- 8.1 With reference to the above application, the Parish Council held a consultation evening on 7th March, leafletting the residents of the village. This was attended by the architect, the developer, members of the Parish Council and approx. 80 members of the public.

At the Parish Council meeting held on the 14th March several members of the public attended and expressed views regarding the application.

As there was a divergence of views from the public, the Parish Council resolved not to object to application, but to submit the concerns of the public with a request that they be fully considered before a decision is reached.

Residents' concerns with related Uttlesford Planning Policies and NPPF guidance.
Conservation area and Listed Buildings

- Construction of the new access and road will involve demolition of outbuildings on the SW corner of Great Chalks and removal of walls on the street frontage in order to accommodate the width of access road required by Highways.
- This could be detrimental to the character of the Conservation Area street scene and Listed Buildings. Within a Conservation Area such alterations are subject to increased scrutiny.
- This should be considered using the guidance of the Hatfield Broad Oak Conservation Area Appraisal adopted May 2013 especially paras 1.13 and 2.17, UDC Planning Policy ENV1, ENV2, National Planning Policy Framework (NPPF) Chapter 12 para 136 and UTT/13/0145/PA

8.2 Open Space

- The loss of an open space of garden, grassland and protected trees is a planning issue of considerable concern. The site of the proposed development is designated as a Protected
- Open Space of Environmental Value in the Adopted Local Plan 2005 - this is in force as the Regulation 18 Local Plan is not yet fully agreed and is covered by policy ENV3.

8.3 Roads and Traffic Congestion

- There are proven issues of large volumes of vehicles including HGVs using the B183 Priority Route 2 to avoid the M11 J8
- Street and pavement parking further restrict the street and at peak hours and school times there can be gridlock.
- Both vehicular and pedestrian safety in particular can be compromised. Accidents have occurred not all of them recorded on TrafWeb
- The proposed new access road from the site leading to the High Street will add more traffic to the already congested High Street especially as the desk calculation of numbers of journeys is an underestimate in view of the size of dwellings and number of car park spaces planned.
- Policy GEN1 - Access is applicable. A traffic speed survey in HBO village in 2014 and a vehicle survey at the B183/B1256 crossroads in 2017 confirm that the large amount of vehicular traffic passing through Hatfield Broad Oak High Street is over capacity for the medieval street pattern.
- Community Speed Watch regularly report up to 20 vehicles per hour exceeding 36 mph in 30 mph restriction.

8.4 Wildlife and ecology

Planning issues raised by residents

- The proposed development will result in considerable loss of wildlife habitats to the detriment of the bio-diverse eco system of the area. The plans to provide mitigation will not replace this.
- Dissatisfaction was expressed about the accuracy of the Ecological Survey which failed to identify the presence of badgers.
- Policy GEN 7 provides guidance on nature conservation and treatment of protected species. NPPF paras 48 and 53 are relevant to development of residential gardens and inclusion in windfall site allowances.

8.5 Site

The site slopes down to the south towards Mus Brook and properties the High Street, Cage End and Cage End Close back onto the proposed development. Residents are concerned that this slope would result in

- overlooking and loss of privacy.
- light spill from the proposed properties
- Possible flooding from increased surface run off as a result of new building and hard landscaping and the construction of a new attenuation pond.
- Policies GEN2 Design, GEN3 Flood Protection and GEN5 Light Pollution are applicable.

8.6 Affordable Housing

- A number of residents were disappointed that affordable housing had not been included in the proposed development - 'what is needed most is affordable housing'
- NPPF para 7 may be applicable to this development Support for the proposed development

- Some residents have expressed full support for the development.
- Others offer support on the basis of the inevitability of there being some development on the site and this is the least worst scenario.
- There is an expectation that the developer must deliver on the mitigations included

9.0 CONSULTATIONS

Conservation Officer

- 9.1 Hatfield Broad Oak is a historic settlement which by and large retained its medieval street plan centred on the location of the former market place and the Priory which are no longer visible.
- 9.2 The site subject of this application is located in a back land of large selection of listed buildings fronting two principle historic streets High Street and Cage End which form core of Hatfield Broad Oak Conservation Area. The proposal is to form 8 large dwellings seeking access from the High Street through narrow gap between two buildings, Great Chalks and its outbuilding. These imposing brick structure of C19 origins although not listed in their own right, have been identified in recent Conservation Area Appraisal as buildings which positively contribute to the character of the conservation area. In addition they form part of draft Local Heritage List.
- 9.3 The suggested development of this land is of concern. First of all the removal of a wall and gates forming part of the curtilage of Great Chalks would not only alter the concept of the historic access to its garden but also the creation of standard estate road would open up the gap between the buildings detracting from the close knit and mostly continuous frontages of the historic street. Although the site adjoins the conservation area, it very much forms part of the wider setting of listed buildings facing thoroughfare. Its mature trees which are perceptible through some gaps between the listed buildings especially from Cage End may not survive thus denuding the conservation area and setting of the listed buildings from some of its special interest.
- 9.4 In terms of the layout and house type designs I feel that it poorly responds to the character of this historic village. First of all on entry into the 'gated community', the visitor would be confronted by car dominated scene of 5 parking spaces and excessively large four bay garage block with banal clock tower on top. The house types are very large, of wide span and convoluted plan forms and due to the likely use of modern materials would assuming an air of prominence providing an unsatisfactory urban back drop to the listed cottages facing the historic streets.

Comments on revised plans:

- 9.5 Having considered the latest revisions and further agents justification I feel that the 'conservation' related concerns have not been overcome. Consequently I have no option but to repeat some of my previous comments.
- 9.6 Hatfield Broad Oak is a historic settlement which by and large retained its medieval street plan centred on the location of the former market place and the Priory which are no longer visible.
- 9.7 The site subject of this application is located in a back land of large selection of listed buildings fronting two principle historic streets High Street and Cage End which form core of Hatfield Broad Oak Conservation Area. The proposal is to form 8 large

dwelling seeking access from the High Street through narrow gap between two buildings, Great Chalks and its outbuilding. This imposing brick structure of C19 origins although not listed in its own right, has been identified in recent Conservation Area Appraisal as building which positively contribute to the character of the conservation area.

- 9.8 As said before, removal of a wall and gates forming part of the curtilage of Great Chalks would not only alter the concept of the historic access to its garden but also detract from the close knit and mostly continuous frontages of the historic street. Agent's argument that the present wall and gates are a modern reinstatement of previously damaged elements provides insufficient justification for its loss in its present location. Its value is in enclosing the space perpetuating the established historic street pattern, not the importance of the present materials
The site adjoins the conservation area and forms part of the wider setting of listed buildings facing thoroughfare. Its mature trees which are perceptible through some gaps between the listed buildings especially from Cage End may not survive thus denuding the conservation area and the wider setting of the listed buildings from some of its special interest
- 9.9 In terms of the layout and house type designs I feel that it poorly responds to the character of this historic village. The house types are very large, of wide spans and convoluted plan forms with attached garages some with accommodation at first floor level. In addition and due to the likely use of modern materials the development would assume an air of prominence providing an unsatisfactory urban back drop to the listed cottages facing the historic streets
- 9.10 Having said that it is possible that the above concerns would be out-weighed by the potential public benefits of provision of additional housing in Hatfield Broad Oak. I suggest the final decision should be made in the light of advice within NPPF and conservation concerns weigh against such public benefits as would arise. Clearly the identification of 'public benefit' is a planning matter.

Essex County Council Ecology

- 9.11 The holding objection can be removed following further information being submitted.
- 9.12 No objection subject to securing biodiversity mitigation and enhancement measures.
- 9.13 Orchard
Orchards East have now provided expert opinion that the orchard does not qualify as Priority habitat because the trees are on dwarf root stock and will not form full sized trees; this is therefore no longer an ecological concern (other than the fruit as forage for the badgers, which is discussed below).
- 9.14 Compensatory planting
The updated planting plan (ref 1334-1170_PL, OMC Arboriculture, May 2018) shows one-for-one compensatory planting for the 24 trees and the fruit trees within the buffer to provide fruit forage for the badgers. We recommend that this tree planting plan is secured by condition of any consent.
- 9.15 Badgers
We recommend that the Local Authority be sent a copy of the licence to interfere with a badger sett for the purpose of development as a condition of any consent.
- 9.16 Great crested newts

The Ecological Assessment report meets the requirements of Natural England's licensing policy 4: Appropriate and relevant surveys where impacts of development can be confidently predicted. The LPA needs certainty of likely impacts on European Protected Species prior to determination and identification of proportionate and effective mitigation which can be implemented and secured either by licence or condition of any consent. Adequate surveys have been undertaken to assess the local Great crested newt (GCN) population and there is minimal terrestrial or aquatic habitat on this site. The likely impacts on GCN have been predicted as potential for killing or injury during construction and the proposed mitigation measures are appropriate and likely to be effective. We would consider that it would unreasonable for the applicant to undertake further surveys now, as this would be unlikely to provide any additional information.

- 9.17 We recommend that the mitigation measures discussed within the Ecological Assessment report (ELMAW Consulting, September 2017) need to be secured by condition of any consent, as a non-licensed method statement, for implementation in full. If any GCN is found to be present on site and an EPS licence is necessary to avoid an offence, updated surveys will have to take place. Natural England licences usually require surveys to be up to date, prior to a licence submission, so any surveys will need to be undertaken within the period March-June to best practice guidelines to inform a Natural England Licence so cannot be completed this year.
- 9.18 A list of conditions has been recommended if the application is to be approved.

Aerodrome Safeguarding

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

NATS:

- 9.20 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.

Specialist Archaeological Advice:

- 9.21 Recommendation: An Archaeological Programme of Trial Trenching followed by Open Area Excavation
The Historic Environment Record indicates that the proposed development lies within a potentially highly sensitive area of heritage assets within the historic town of Hatfield Broad Oak. The HER shows that the development area lies within the centre of the historic town of Hatfield Broad Oak which was centred around the Church and Priory immediately to the north of the site (EHER 18744). Cartographic evidence from the 19th century shows a series of property boundaries extend into the development area from the High Street. The historic town report produced in 1999 provides a detailed history of the development of Hatfield Broad Oak from the late Saxon period through to the modern day.
It should be expected that the initial trial trenching will lead onto open area excavation before any development commences.

Environmental Health

- 9.22 This application is for the demolition of existing out-buildings and the erection of 8 detached dwellings and a block of garages. No objections to the proposals subject to the following condition being attached to any permission: If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

Reason: To protect human health and the environment

Essex County Council Highways:

- 9.23 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- 9.24 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions:
- 9.25 Due to the historic nature of Hatfield Broad Oak, a number of properties along High Street do not have off-street parking, and rely upon parking in the highway. Parking along the High Street is an existing issue, and unfortunately there is limited scope to improve this issue. The introduction of a Traffic Regulation Order (TRO) (ie, yellow lines) to prevent inappropriate parking is unlikely to be supported by locals, and would displace parking elsewhere on the highway network.

The proposal, in the opinion of the Highway Authority, would not increase the on-street parking pressure along High Street, as there is sufficient parking within the proposed site to accommodate residents and visitors.

It is acknowledged that the proposal would intensify the use of an existing and established access; however the access is to be modified as part of the proposal in line with current standards. Visibility splays from the proposed access have been considered. An additional 8 dwellings on High Street would have a very minimal impact on the highway network, given the number of vehicles travelling along High Street (B183), and the Highway Authority is satisfied that the proposal would not be detrimental to highway safety and efficiency.

Uttlesford Badger Group

- 9.26 Concerns have been raised by the Uttlesford Badger Group with regards to potential impacts on badgers.

Landscape Officer

- 9.27 The trees on the site are protected by a tree preservation order with an 'area' designation. No individual trees, or groups of trees, are specifically identified in the order. Following concerns raised from a neighbour he advises:
The subject beech tree close to the proposed plot one is a mature specimen with a significantly unbalanced canopy, which has developed as consequence of a

competing lime tree. The main trunk bifurcates into co-dominant stems. There are decay pockets above the main fork, including a long wound in one of the stems. There appears to be fungal decay in the longitudinal wound, however, as this is some 7m above ground level, I have not been able to identify the infection. There is no evidence of decay at the base of the tree, however, the structural condition is the tree is not considered to be good. The tree is only considered to be of moderate landscape value and given the defects present I would raise no objection to the tree being felled.

24 trees are proposed to be removed (3 yew, 2 beech, 1 holly, 1 lime, 2 Norway maple, 1 western cedar, 1 smoke tree, 2 Leyland cypress, 3 hawthorn, 1 quince, 1 apple, 1 plum, 1 mulberry, 3 sycamore, 1 ash). Of these trees 3 are categorised as being of low quality, 3 as being dead or having significant defects, and 18 which are considered to be of moderate quality. The majority of the existing trees, including all those assessed as being of high quality, are to be retained as part of the proposed development.

No objection to the proposal.

10. REPRESENTATIONS

- 10.1 This application has been advertised and neighbouring properties notified. 104 representations have been received and a solicitors letter representing residents has also been submitted.. Expiry date 27th March 2018. Following revised plans the expiry date was extended to 9th July 2018
A signed petition has also been sent in objecting to the proposal which has been signed by 179 residents.

- 10.2 A summary of the issues raised are:

Parking issues – Traffic congestion. Parking on the high street already a significant issue.

Highway safety – vehicular and pedestrian. During construction and subsequently

Impact on biodiversity

Inadequate infrastructure

Doctors oversubscribed

Impact on wildlife and nature and loss of trees

Detrimental impact on character of conservation Area.

Impact on Listed Buildings and their setting and historic feel of the village

Overdevelopment

Traffic congestion especially on the High Street and at school drop off and pick up times. This is the narrowest part of the high street where people already park on pavements and traffic is grid locked during peak hours.

Already a little boy was knocked down due to parking being over crowded so visibility is compromised. There is likely to be further problems and congestion if and when emergency vehicles and bin lorries need to access the site.

Impact on character of village

Housing mix- we do not need anymore expensive houses in Hatfield Broad Oak. We need more social housing if anything. Mix is unacceptable and unsuitable

Inappropriate location – edge of village would be better.

Ecology report not impartial.- conflict of interest

Incorrect information within ecology report- Badgers – grass hasn't been mown in the field east of Great Chalks for about two years prior to May 2017. Grass snakes were spotted at several locations in the neighbouring garden before this date. The field was mown just before the surveyors carried out work in the field. Understandably, no reptiles were then found. Trees identified as diseased are clearly not diseased.

There will be loss of some very established trees with TPO's on them.
The plan does not take into account the local wildlife in the way it suggests, as it does not recognise the presence of great crested newts which inhabit the grounds, neighbouring gardens, school and wet areas.
Honey bees in the trees of Great Chalks
Flood risk
The removal of the electric gates is to be welcomed.
The access will still have a negative impact on the character of the High Street.
Sewage and drainage and surface water.
Bin collection
Lack of affordable housing
No benefit to Hatfield Broad Oak residents.
Village school is oversubscribed.
Detrimental impact on utilities, water, electric supply and sewage network.
Inadequate infrastructure
Site is not sustainable
Loss of trees- Trees are subject to tree preservation orders
Conservation Area appraisal recommends that there be a revised conservation area in the village to include the land of Great chalks and that development on any of the open spaces listed would be entirely inappropriate
UDC policy states that on sites of 0.5 hectares or more the council will seek 40% affordable housing.
The need does not outweigh the amenity value of the loss of the open space
Great chalks and its outbuildings are buildings which positively contribute to the character of the conservation area. The land is also a Protected Open space of Environmental Value.
The removal of the wall and the gates forming part of the curtilage of Great chalks impact on the character of the area.
Houses are too large contrary to ENV1
The plan does not take into account the local wildlife in the way it suggests, as it does not recognise the presence of great crested newts which inhabit the grounds, neighbouring gardens, school and wet areas.
Surely we need to protect these incredible and increasingly rare pockets of bio-diverse eco systems, especially in areas such as ours where it is vital to balance out the impact of Stansted Airport
Electric gates will cause a delay in entering the property waiting for the gates to open. From the plan it looks as if the gates are positioned so there is no space for cars to wait to enter the gates off the High Street. I also believe it would also be an eyesore to destroy the entrance to the old traditional gardens to be replaced by electric gates in such a very historic road. The development proposes a gated entrance, which will isolate the village from the occupiers. Consequently introducing 'a them and us' situation and division in the village between the residents of the development and the villagers
Light pollution
Overlooking
Loss of privacy
Ongoing maintenance of pond.
Air pollution
Loss of views.
Inadequate access
Overshadowing.
Construction traffic
Need to ensure no element of the church history is lost from unknown foundations within the grounds.
The development makes no mention of the development of the old stable block

immediately adjacent to the entrance to the property. What would prevent the developer putting in a future application for more houses using this footprint, further congesting the site?

Ultimately a well designed scheme of single storey or chalet style properties would be much more appropriate and less intrusive in general.

Do wildlife understand 'corridors' that are made for them?

Historic buildings and their gardens should be preserved and put to use to benefit the areas they sit in, not destroyed for one persons profit!

Impact on property values

Pollution- What methods are to be employed to prevent pollutants finding their way to this watercourse

Loss of protected open space with environmental value

Loss of A Historic garden that has been in existence for centuries donated to Cambridge Trinity College by Henry V111 and is a huge part of English and village history. If we are so eager and willing to destroy our history where will this stop

Air pollution- health issues.

The best analogy is with Central Park in New York. That will never be developed. Nor should Great Chalks.

Historical significance. Apart from abutting the conservation area Great Chalks stands upon a site that has had religious settlements for over a thousand years. The old well of the early Saxon settlement still stands in the paddock area with remaining early evidence of use.

Plot 1. The end elevation is right on the boundary with Post House garden and runs to a height of 17ft (revised elevation) - which will set the roof line up to a level in line with the eaves of Post House. For a single storey dwelling this is substantially out of keeping with the properties it borders and is excessively high for a "bungalow" (which is how the building is described on the plan).

Loss of ancient orchard of very rare apples

Church parking. Parking for weddings and funerals causes the High ST to gridlock in summer months

If the house is developed into flats, that could incur a further 12 parking spaces that have not been accounted for.

Secret underground tunnels to the church. It should be noted that there are secret ancient tunnels that run underneath the village. In the cellar of Bury house there is a blocked in doorway and the tunnel apparently runs under the road to the church. This was to allow worship during the reformation. These tunnels run to many other houses and presumably to great chalks and possibly to the original Manor House that existed at Great Chalks. If tunnels do exist under the Great Chalks site it could be that their presence could affect the stability of the proposed houses. There should therefore be a full ground stability investigation to determine whether the land is fit for development in advance of the determination of the planning application. These tunnels need to be investigated and protected from bulldozers.

In particular, all construction should be prohibited during Saturday afternoons and all day Sunday and on bank holidays.

The village retains the medieval street pattern which is expected to cope with modern traffic loads.

The Transport Statement's TRICS desktop calculation of likely level of traffic generated to and from the site must be an underestimate in view of the size of the dwellings and number of car park spaces planned. Auto track Swept Paths analyses are again desktop studies - in reality the paths would be obstructed by parked cars, pedestrians and heavy traffic. Only vehicles entering from or exiting to the West are shown, perhaps I've missed it or would those from and to the East not make it?

Bus services have been reduced, and are dependent on public subsidy, and are not as frequent as suggested in the Transport Survey and only really serve B/S or Stansted Airport.

A gated development of 8 large houses with attendant entrance and access road is not appropriate

The changes, removal of clock tower and gates etc are just cosmetic alterations and do nothing to address the fact that the proposed new development is totally out of character with the centre of the medieval village.

The buildings remain too large in proportion to the surrounding houses.

Access for emergency vehicles.

Whilst I approve of the removal of the electric gates, the access road will still have a negative impact on the character and use of the high street.

People on mobility scooters and mums with pushchairs are continually being forced into the road.

Design out of keeping.

Unsustainable development – not included or referenced in the Local Plan regulation 19 consultation.

No benefit to Hatfield Broad Oak.

I cannot imagine that it would be viable to build less and conversely more smaller houses could certainly involve more cars.

Inappropriate housing mix.

The Conservation Officer has recognised that the development is within the conservation area. Great Chalks and its outbuilding are buildings which contribute to the character of the conservation area. The report omits that the land is also a Protected open space of Environmental Value.

The removal of the wall and the gates forming part of the curtilage of Great Chalks would impact on the character of the area. The removal of trees to enable the development to be built would as identified alter the settlements historic character.

Whilst we accept that the omission of the clock tower will reduce the impact of the development, the other alterations proposed (removal of entrance gates, garages to be more open fronted and cobbled surface of the first 6m) do not address the fact that the development will create an over urbanised feel to the local character of the area which is clearly not in keeping with the current street scene and indeed not in accordance with the council's policies.

The recent committee decision to refuse Chepingfield development in Hatfield Broad Oak is particularly relevant to this application also, as the issues are exactly the same, inappropriate vehicular access and significant rural amenity harm.

10.3 In support of the application:

The development seems very nice

As a resident of Hatfield Broad Oak I realise that we have to accept that the garden of Great Chalks will be developed and one such as this is far more desirable than say, one of 30 small houses which would cause far more traffic chaos than this.

While any work is done, care will need to be taken to cause as little disruption and danger as possible in our already over busy High Street, the recorded average of vehicles in 2014 through our village was 5,000 daily, it must be far in excess of that now, far too many HGV's use this route.

In principle we are against any housing development in Great Chalks garden which must change the character of a medieval village. However we suspect that some development is inevitable and therefore we support the proposal as being the best of a bad outcome. The 5m wildlife corridor must be inviolate.

A small carefully thought out development with no impact on on-street parking, as there is ample parking within the site for individual properties. The gates are set far enough into the site to prevent congestion on the road.

Great care has been taken to give consideration to the protection of existing trees and the provision of future habitats for flora and fauna.

This development leads to the natural growth of our quintessential village.
 This development could lead to the sympathetic restoration of Great Chalks House and enhancement of the street scene in the conservation area.
 Failure to support this application could lead to the site becoming derelict and pose a security risk for neighbouring properties.
 Would prefer to have 8 nice houses built if this is refused we could end up having 30 houses built surely no one needs that

Comments on representations:

- 10.4 Please see appraisal below, however, several representations have been received in respect of a loss of view and property values, however these are not material planning considerations.

11. APPRAISAL

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

- A The development of this site for residential purposes (NPPF and ULP Policies S3,H4, H3, and ENV3);
- B Design, scale and impact on neighbour's amenity and impact on character and setting of adjacent Listed Buildings and character of the Conservation Area. (ULP Policies GEN2, S7, H10,H9, ENV2, ENV1, ENV3; NPPF & SPD: Accessible Homes and Playspace);
- C Highway safety and parking provision (ULP Policies GEN1 & GEN8 & SPD: Parking Standards: Design and Good Practice);
- D Biodiversity (ULP Policy GEN7; NPPF)
- E Affordable Housing (ULP Policies H9, GEN6)
- F Flood risk and drainage (ULP policy GEN3; NPPF)
- G Other material planning considerations

- A** The development of this site for residential purposes(NPPF and ULP Policies S3, H3, ENV1, ENV2, ENV3);

- 11.0 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 confirms that the NPPF is a material planning consideration.

- 11.1 The site is within Development limits where policy S3 states that development will be permitted if the development would be compatible with the character of the settlement and its countryside setting. The draft regulation 19 plan also includes the site within the development limits of Hatfield Broad Oak.

The site is in a sustainable location with regard to its location in terms of access to services, facilities and public transport links. The location of the site is within walking distance to the local primary school, the village shop, church, doctor's surgery, pub and bus stops. The proposal would deliver 8 dwellings and as such the proposal would make a contribution towards the delivery of the housing needed in the district. Representations have been received in respect of the local surgery being at capacity.

The proposal is however not of a scale that would warrant refusal on these grounds or of a scale where contributions can be reasonably requested

- 11.2 Policy H3 also states that infilling with new houses will be permitted within development limits if the development would be compatible with the character of the settlement.
- 11.3 ULP Policy H4 states that development of a parcel of land that does not have a road frontage will be permitted if it meets the criteria set out in policy H4 relating to land efficiency, would not have significant adverse effects on residential amenity and if means of access would not cause disturbance to nearby properties. The redevelopment of Great Chalks which has sizeable grounds would make more effective and efficient use of the site.
- 11.4 The rear of the site, however, under the current Adopted Local Plan is identified as protected open space of environmental value. Policy ENV3 states:
The loss of traditional open spaces, other visually important spaces, groups of trees and fine individual tree specimens through development proposals will not be permitted unless the need for the development outweighs their amenity value.

Although the Regulation 19 draft local plan has limited weight at this time, it is however, proposed to remove this designation in the current draft regulation 19 Local Plan. The removal of the protected open space designation has been made in the light on the assessment of the site through the Strategic Land Availability Assessment (reference 05HBO15). The SLAA states “The site is considered suitable because Hatfield Broad Oak is a Type A village and the site is in close proximity to the services and facilities. Subject to the retention of the protected trees and character of the conservation area being protected and enhanced, this is considered a suitable site for development.” The SLAA concludes that, “The site is available and suitable and development is achievable subject to the retention of the protected trees and character of the conservation area being protected and enhanced.

- 11.5 In view of the above it is considered that the principle of development on balance of the site is acceptable subject other policy constraints.
- B Design, scale and impact on neighbours amenity and impact on character and setting of adjacent Listed Buildings and conservation Area (ULP Policies GEN2, S3, H10,H9, ENV2, ENV1, ENV3 & SPD: Accessible Homes and Playspace);
- 11.6 Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale form, layout and appearance of the development and to safeguarding important environmental features in it's setting to reduce the visual impact of the new buildings where appropriate.
In this respect the front part of the site is within the conservation area and the rest of site is adjacent to the Conservation Area and is surrounded by several Listed Buildings.
- 11.7 Local Plan Policy ENV1 states that development will be permitted where it preserves or enhances the character and appearance of the essential features of a Conservation Area, including plan form, relationship between buildings, the

arrangement of open areas and their enclosure, grain or significant natural or heritage features. The grounds behind Great Chalks form an important backdrop to the Conservation Area. The proposed dwellings are located so as not to block these views into the site from the adjoining conservation Area which includes the front of the site and to the west of the site.

The Hatfield Broad Oak Conservation Area Appraisal adopted in May 2013 also states in paragraph 2.17 that it is considered that development on the open ground with large trees bounded by the rear gardens of houses in the High Street, Cage End and Cage End Close would be entirely inappropriate.

- 11.8 Additionally, as stated above, the rear of the site under the current Adopted Local Plan is identified as protected open space of environmental value. Although the Regulation 19 draft local plan has limited weight at this time, it is however, proposed to remove this designation in the current draft regulation 19 local plan. The proposal has been the subject of pre- application advice where it was advised that the open space be retained.
- 11.9 Policy ENV2 states: that development will not be permitted if it would adversely affect the setting of a listed building. Great Chalks is not listed, however there are several listed dwellings along the High Street and Cage End with gardens backing onto the application site.
- 11.11 In terms of environmental sustainability, it is acknowledged that development on any brownfield site would have an impact on the landscape character of the area. The development has been designed to retain the historic open space in the middle of the site, retain most of the trees and mitigate the impacts on the character and setting of the adjacent listed buildings and the adjacent Conservation Area and ecology.
- 11.12 A further material consideration is that Great Chalks has been included within the draft Local Heritage List document that has recently been out for consultation until 4th July.
- 11.13 The draft Local Heritage List document contains a list of structures and other assets which are considered to be locally significant to the character of the area. Assets were identified as part of the conservation area appraisals and conservation management plans, as well as those nominated by the public. Each was assessed and had to meet a set selection criteria to be included on the list. Those selected are different to those which are identified by Historic England and included on the National Heritage List. The purpose of the list is to identify historically and locally important structures across the district, and celebrate their significance and contribution to the local distinctiveness of Uttlesford.
- 11.14 The document states that the railings and walls to the front boundary of Great Chalks are of particular interest. As part of this proposal, the railing would be retained, however, the wall between the stable block and the entrance gates, the gates themselves (not mentioned in the local heritage list) and the brick pillars are to be removed in response to highway comments. The original plans showed the inclusion of replacement gates situated further into the site and following comments received the applicant removed the gates from the scheme.
- 11.15 The Conservation Officer is not in support of their removal, she states that the removal of a wall and gates forming part of the curtilage of Great Chalks would not only alter the concept of the historic access to its garden but also the creation of standard estate road would open up the gap between the buildings detracting from the close knit and mostly continuous frontages of the historic street. Although the

site adjoins the conservation area, it very much forms part of the wider setting of listed buildings facing thoroughfare.”

- 11.16 In response to the Conservation Officers comments, the applicant has stated that they are willing to reuse the gates further into the site if necessary. They also stated that the existing gates and all of the three existing piers and most of the front wall from the stable block to the fence have been rebuilt recently. The gates were replaced in 1997 following an accident.
The highway authority has also confirmed that they would have no objections to the gates or new gates being located level with the rear elevation of Great Chalks.
- 11.17 The Conservation officer however, taking into account the above still feels that the removal of a wall and gates forming part of the curtilage of Great Chalks would not only alter the concept of the historic access to its garden but also detract from the close knit and mostly continuous frontages of the historic street. Agent’s argument that the present wall and gates are a modern reinstatement of previously damaged elements provides insufficient justification for its loss in its present location. She adds that its value is in enclosing the space perpetuating the established historic street pattern, not the importance of the present materials.
- 11.18 Notwithstanding the above, although agreeably the frontage is of significance to the character and setting of the historic village, a material consideration is that these gates could be removed without planning permission and it is on this basis that the application is being determined.
- 11.19 The side extension to be demolished is a relatively modern addition and the Conservation Officer has no objection to its removal. No works are proposed to Great Chalks itself.
- 11.20 The applicant has also revised the drawings to include landscaping to the side of the garage/cartlodge block to lessen the visual impact of the proposal on the character of the Conservation Area.
- 11.21 It is considered that in view of the Highways comments and the numerous representations received in respect of highway safety that the removal of the gates and the provision of additional parking spaces within the development for Hatfield Broad Oak residents to help alleviate the existing parking problem on the pavements along the High Street, would out weigh the harm caused to the character of the conservation area by the loss of the gates (which could be removed without planning permission anyway).
- 11.22 The site is within Development limits where policy H3 states that Development will be permitted where it preserves or enhances the character and appearance of the essential features of a Conservation Area, including plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain or significant natural or heritage features. The design shall be compatible with the scale, form, layout, appearance of surrounding buildings. A very large open space will be maintained as part any proposed development.
Dwellings are located so as not to block these views into the site from the adjoining conservation Area. Most of the mature trees to the site boundaries are to retained so that when viewed from outside of the site the views into the site would remain largely unchanged, apart form the eastern boundary. The western boundary would be enhanced by new planting.
- 11.23 Several comments have been received in relation to the housing mix and the lack of

affordable small dwellings. The proposal relates to the erection of 8 dwellings with a mix of two, four and five bedroom units. One of the units is a two bed roomed bungalow. The housing density is low at 6.3 dwellings per hectare.

- 11.24 The table below sets out the garden sizes of the individual plots and the parking provision for each dwelling.

Plot	No of bedrooms	Garden size	Parking Provision
1	2 (Bungalow)	50m ² +	3
2	5	100m ² +	4
3	4	100m ² +	4
4	4	100m ² +	3
5	5	100m ² +	4
6	5	100m ² +	4
7	5	100m ² +	4
8	5	100m ² +	4
Great Chalks		100m ² +	6
Visitor Parking			6 (2 required)

- 11.25 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.

- 11.26 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 housing mix for this application is 12.5% of 2 bed, 25% four bed and 62.5% five bed. The proposal, therefore does not comply with the requirements of Policy H10 or the Strategic Housing Market Housing report. The applicant has confirmed that they are willing to make financial contributions in respect of affordable housing (please see below)

- 11.27 All of the units 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 accord with the requirements of the Essex Design Guide Each plot has adequate private amenity space to accord with the requirements of the Essex Design Guide
- 11.28 The design and scale of the proposed dwellings is considered appropriate for this location. The dwellings would all be two storey (apart from the bungalow), A landscape buffer has also been incorporated into the design to protect the Wildlife on the site. New planting is proposed along rear and eastern boundaries. An orchard will

also be planted to the east of plot 4

- 11.29 Policy GEN2 states that development will not be permitted if it would have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.
The Essex Design Guide sets out the distances required to protect the neighbour's amenity with a recommended back to back distance of 25m.
Where new development backs on to the rear of existing housing, existing residents are entitled to a greater degree of privacy to their garden boundary, and therefore where the rear faces of the new houses are approximately parallel to the existing, the rear of new houses may not encroach any closer than 15m to an existing boundary, even though with a closer encroachment 25 metres between the backs of houses would still be achieved. These distances are met apart from plot one, which is located on the site of an existing outbuilding and will be in the form of a bungalow. It is therefore considered to be acceptable.
- 11.30 The development has been designed to minimise the potential for overshadowing or overbearing impacts. In view of the distances between neighbouring properties) the proposal would not result in any material overlooking, overshadowing or overbearing impact.
- 11.31 With regards to plot one, because of different ground levels to the properties to the north of the site along the south of the High Street, the design of the proposed bungalow has been revised. The roof pitch has been decreased from 40 to 35 degrees, a hipped end introduced on the western end to reduce bulk and its height reduced by 57cm. The east end of the roof is just over a metre lower. The rear facing rooflights have been removed
- 11.32 A Landscape and Visual Impact Assessment has been submitted with the planning application and this demonstrates that the visual impact of the development is low. The development proposes a significant landscape buffer to the rear, eastern and western boundaries of the site with the retention and enhancement of most of the existing boundary vegetation and trees.

Paragraph 197 of the NNPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
On balance, it is considered that the proposal will lead to less than substantial harm to the significance of the heritage asset surrounding the site and the conservation area.
This harm when weighed up against the public benefits of the proposal is considered to be limited.

As the site is located within development limits, in view of the councils lack of five year housing supply, the benefits of the scheme, including affordable housing contributions, outweigh the limited harm caused to the character of the area.

- C Highway safety and parking provision (ULP Policies GEN1 & GEN8 & SPD: Parking Standards: Design and Good Practice);

- 11.33 The proposed properties are a mixture of two, four and five bedroom dwellings. The

adopted UDC parking standards require the provision for one parking space for a one bedroomed dwelling, two parking spaces per dwelling for two and three bedroom dwellings and three parking spaces for three+ bedroomed properties and additional visitor parking spaces

- 11.34 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 and parking provision in excess of the parking standards requirements would be provided.

- 11.35 Due to the historic nature of Hatfield Broad Oak, a number of properties along High Street do not have off-street parking, and rely upon parking in the highway. Parking along the High Street is an existing issue, and unfortunately there is limited scope to improve this issue. The existing issues i.e parking related to the school and parking are not issues for the applicant to mitigate against and any obstructive or dangerous parking would be a law enforcement issue. In response to the numerous representations relating to parking and traffic concerns the applicant has revised the drawings to include six public parking spaces rather than the two that are required to comply with the adopted parking standards.

- 11.36 Following highway and representation comments the gated access has been removed to help alleviate highway safety concerns.

- 11.37 The proposal, in the opinion of the Highway Authority, would not increase the on-street parking pressure along High Street, as there is sufficient parking within the proposed site to accommodate residents and visitors.
It is acknowledged that the proposal would intensify the use of an existing and established access; however the access is to be modified as part of the proposal in line with current standards. Visibility splays from the proposed access have been considered. An additional 8 dwellings on High Street would have a very minimal impact on the highway network, given the number of vehicles travelling along High Street (B183), and the Highway Authority is satisfied that the proposal would not be

detrimental to highway safety and efficiency.

- 11.38 Each property meets the required parking standards, with some larger properties exceeding the requirement. There would be six unallocated parking spaces within the development to provide visitor parking and additional parking for Hatfield Broad Oak residents. Therefore, the proposals comply with Policy GEN8 and GEN1.

D Biodiversity and trees (ULP policies GEN7 and ENV3)

- 11.39 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. Mitigation measures are required to compensate for the harm and reinstate the nature conservation value of the locality.

- 11.40 This site has significant sensitivities given the presence of protected species and habitats. A biodiversity checklist has been completed, an ecological assessment report submitted and an arboricultural report submitted. In view of the numerous representations received in respect of biodiversity and the site's sensitive nature, Essex County Council ecologists have been consulted. They have no objection subject to securing biodiversity mitigation and enhancement measures which can be secured by appropriate conditions and appropriate licenses obtained. They consider that adequate surveys have been carried out. The updated planting plan (ref 1334-1170_PL, OMC Arboriculture, May 2018) shows one-for-one compensatory planting for the 24 trees and the fruit trees within the buffer to provide fruit forage for the badgers.

There are several mature trees on the site, some of which are subject to Tree Preservation Orders. 24 trees are proposed to be removed (3 yew, 2 beech, 1 holly, 1 lime, 2 Norway maple, 1 western cedar, 1 smoke tree, 2 Leyland cypress, 3 hawthorn, 1 quince, 1 apple, 1 plum, 1 mulberry, 3 sycamore, 1 ash). Of these trees 3 are categorised as being of low quality, 3 as being dead or having significant defects, and 18 which are considered to be of moderate quality. The majority of the existing trees, including all those assessed as being of high quality, are to be retained as part of the proposed development.

The Council's Landscape officer has been consulted and also has no objection to the proposal.

The proposal subject to conditions and appropriate licenses being obtained would comply with ULP policies GEN7 and ENV3.

E Affordable Housing, Education Contributions (ULP policies H9, GEN6)

- 11.41 Policy H9 requires the provision of 40% affordable housing on sites of 0.5 hectares or of 15 dwellings or more. The site area is 1.43 hectares. Government planning guidance is that financial contributions should not be sought on development less than 10 dwellings and which have a maximum combined floorspace of no more than 1,000 square metres (gross internal area). The schedule of accommodation states that the total floor space amounts to 1,718 sq m and therefore it is required that a financial contribution is required in respect of affordable housing.

Due to ecological mitigation and maintaining the historic central open space much of the site is not developable and so that the scheme is viable, instead of provision of affordable housing on site a contribution in lieu of affordable housing is considered to be acceptable. In this respect the developer has agreed to make a contribution for affordable housing and this will be secured by a s106 agreement.

F Flood risk and drainage (ULP policy GEN3)

- 11.42 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).

A flood risk Assessment is included with the application and this states that the proposed development will increase the impermeable drainage through the construction of eight additional dwellings and associated access. This will result in an increase in surface water runoff. In order to ensure the increase in surface water runoff will not increase flood risk elsewhere, flow control will be used and attenuation provided on site to accommodate storm events up to and including the 1 in 100 year plus 40% climate change event.

All methods of surface water discharge have been assessed. Where soakaways are not possible, discharge of surface water to Mus Brook at a rate of 5.3 l/s appears to be the most practical option. This should be agreed in principle with the LLFA.

Attenuation can be provided within the sub-grade of a pond, swale or detention basin located in the lower southern extent of the site. Attenuation can also be provided within permeable paving or in the form of a below ground attenuation tank located beneath access roads and communal areas.

Foul flows should be discharged to either the public foul sewer to the south of the site or the 150mm public foul sewer in High Street. A pumped connection may be required.

As this is not a major application, the Local Lead Drainage Team have not been consulted.

All drainage provided will need to comply with building regulations.

G Other material planning considerations

- 11.43 Representations have been received in respect of potential harm in respect of air pollution. The site is not in an area currently monitored for air quality (AQMA) and therefore it is not considered likely that the proposal of this scale would result in unacceptable air quality issues proposal would comply with ULP policy ENV13.

12. CONCLUSION

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

- A** The site is located within development limits of Hatfield Broad Oak. The principle of residential development at this site is acceptable having regard to sustainability development aims and objectives, flood risk, countryside protection, infill and backland development (NPPF, ULP Policies S3., GEN3, H3 and H4).
- B** The design is considered to be broadly in keeping with the character of the village and adjacent Conservation Area. It has been designed to protect the character and setting of the adjacent Listed Buildings and would have no material detrimental impact on neighbours amenity..
- C** The means of access to the proposal site is considered acceptable and would comply with policy GEN1.
- D** The proposal would not be harmful to protected/priority species subject to recommended mitigation and compensation measures being conditioned and implemented and appropriate licences being granted (ULP Policy GEN7).
- E** The applicant has agreed to pay a financial contribution in respect of affordable

- housing which would be secured by a s106 agreement.
- F** The site is located within Flood Zone 1 and therefore is a site with the lowest risk of flooding
- G** it is not considered likely that the proposal of this scale would result in unacceptable air quality issues.

RECOMMENDATION – CONDITIONAL APPROVAL AND S106 LEGAL OBLIGATION

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 26th October 2018 the freehold owner enters into a binding obligation to cover the matters set out below under S106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Director: Legal & Governance , in which case he shall be authorised to conclude such an obligation to secure the following:

- (i) Financial contributions in respect of affordable housing**
- (ii) Pay the Council's reasonable legal costs**
- (iii) Pay the monitoring fee**

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.

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 contributions in respect of affordable housing**

Conditions

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

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

2. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment report (ELMAW Consulting, September 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
This includes the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction.

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 in accordance with Uttlesford Local

Plan Policy GEN7.

3. The following works (Erection of eight detached dwellings and a block of garages) shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a) a licence issued by Natural England pursuant to the Protection of Badgers Act 1992 authorizing the specified activity/development to go ahead; or
 - b) 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 Protection of Badgers Act 1992 and s17 Crime & Disorder Act 1998 in accordance with Uttlesford Local Plan Policy GEN7.

4. All landscaping works shall be carried out in accordance with the details contained in Tree Planting Plan (ref 1334-1170_PL, OMC Arboriculture, May 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 in accordance with Uttlesford Local Plan Policy GEN7.

5. A Biodiversity Enhancement Strategy containing the details and locations of the compensation and enhancement measures 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 under paragraph 118 of the NPPF in accordance with Uttlesford Local Plan Policy GEN7.

6. 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 Uttlesford District Local Plan Policy Local plan policy ENV4

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

REASON: In view of the historic importance of the site, in accordance with Uttlesford District Local Plan Policy Local plan policy ENV4.

8. 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

- 9 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

- 10 Prior to occupation of any dwelling, the provision of an access formed at right angles to High Street, as shown in principle on drawing no. 2697-14a (Titled – Existing and Proposed Access), to include but not limited to: minimum 5.5 metre carriageway width with a footway both sides of the access/radii tapering into the shared surface.

REASON:: To ensure that vehicles can enter and leave the highway in a controlled manner, the interest of highway safety , in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

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

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

- 12 The 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.

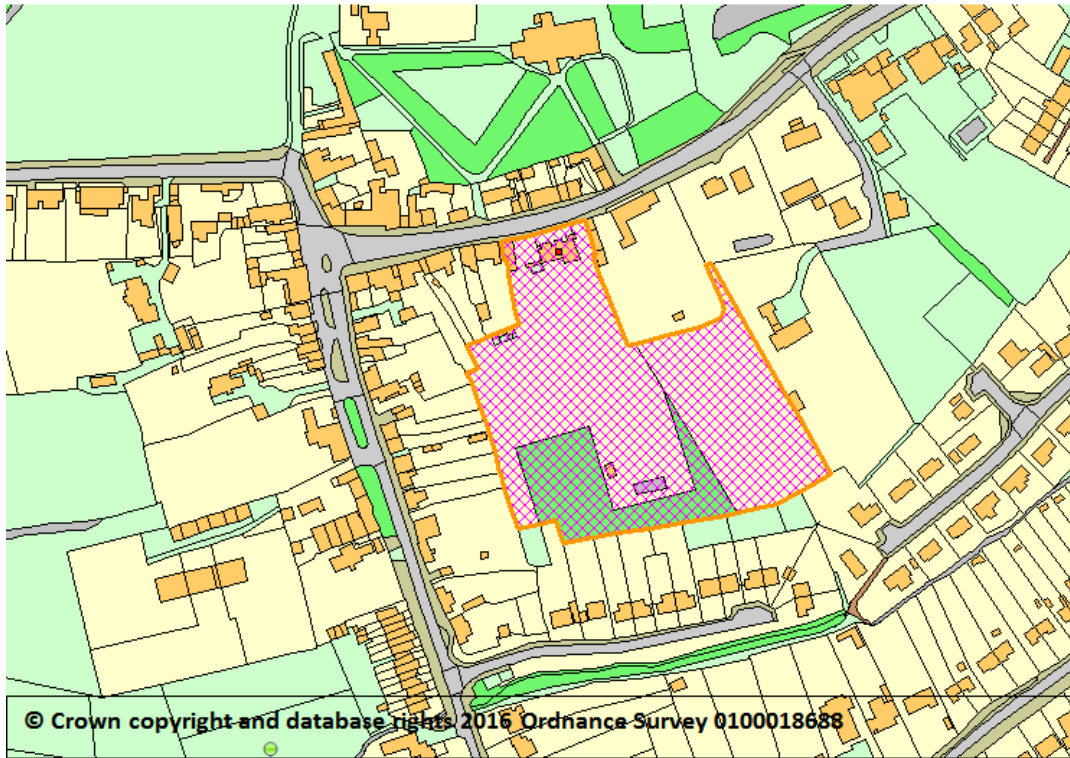
REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

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

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

- 14 If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

Reason: To protect human health and the environment in accordance with ULP Policy ENV7



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UTT/18/1429/OP (ASHDON)

(Referred to Committee by Cllr Rolfe. Reason: The site is outside Development Limits and the proposal represents overdevelopment)

PROPOSAL:	Outline application, with all matters reserved except for access, for a residential development of 4 no. detached houses together with access to Radwinter Road.
LOCATION:	Land to the West of Radwinter Road, Ashdon
APPLICANT:	Mr W Bel, Mr P Bidwell, Mrs A Curran & Mrs S Rivers
AGENT:	Mr Charles Nash
EXPIRY DATE:	28 September 2018
CASE OFFICER:	Luke Mills

1. NOTATION

- 1.1 Countryside.

2. DESCRIPTION OF SITE

- 2.1 The site is located off Radwinter Road, Ashdon. It comprises a portion of undeveloped agricultural land.

3. PROPOSAL

- 3.1 The application is for outline planning permission, with all matters reserved except access, for the erection of four detached houses. A single vehicular access would lead to a shared access road.

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. APPLICANT'S CASE

- 5.1 The application was submitted with the following documents:
- Planning Statement incorporating Design and Access Statement
 - Biodiversity Validation Checklist
- 5.2 A Preliminary Ecological Appraisal was submitted during the determination period.

6. RELEVANT SITE HISTORY

- 6.1 No recent, relevant history.

7. POLICIES

- 7.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.
- 7.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.3 Relevant development plan policies and material considerations are listed below.

Uttlesford Local Plan (2005)

- 7.4 S7 – The Countryside
GEN1 – Access
GEN2 – Design
GEN3 – Flood Protection
GEN4 – Good Neighbourliness
GEN6 – Infrastructure Provision to Support Development
GEN7 – Nature Conservation
GEN8 – Vehicle Parking Standards
ENV2 – Development affecting Listed Buildings
ENV5 – Protection of Agricultural Land
H1 – Housing Development
H9 – Affordable Housing
H10 – Housing Mix

Supplementary Planning Documents/Guidance

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

National Policies

- 7.6 National Planning Policy Framework (NPPF)
- Paragraphs 11, 73, 78-79, 102-111, 127, 155-165, 170, 175 & 189-196
Planning Practice Guidance (PPG)
- Conserving and enhancing the historic environment
- Design
- Flood risk and coastal change
- Housing: optional technical standards
- Natural environment
- Planning obligations

- Rural housing

Other Material Considerations

- 7.7 West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) (2015)
Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)
Housing Trajectory 1 April 2017 (August 2017)
Ashdon Parish Plan 2007

8. PARISH COUNCIL COMMENTS

- 8.1 Objection. Concerns include:

- The site is located beyond the Development Limits for the village
- Harmful effect on the character of the area, including the adjacent conservation area
- There is no local need for the development

9. CONSULTATIONS

Highway Authority (Essex County Council)

- 9.1 No objections, subject to conditions.

Ecological Consultant (Place Services)

- 9.2 No objections, subject to the use of a condition. Extract:

"I have reviewed the Preliminary Ecological Appraisal Report (Green Environmental Consultants Ltd, August 2018) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, particularly hedgerows and identification of proportionate mitigation.

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

The mitigation measures identified the Preliminary Ecological Appraisal Report (Green Environmental Consultants Ltd, August 2018) should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species particularly boundary hedgerow and trees.

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

Stansted Airport

- 9.3 No objections.

10. REPRESENTATIONS

- 10.1 Neighbours were notified of the application by letter, and notices were displayed near the site. The following concerns have been raised among the submitted representations:

- 1) The site is located beyond the Development Limits for the village
- 2) Harmful effect on the character of the area, including the adjacent conservation area
- 3) Potential harm to trees that are the subject of a Tree Preservation Order (TPO)
- 4) Loss of valuable agricultural land
- 5) Lack of sustainable transport options
- 6) The proposed access would be unsafe
- 7) Increased risk to pedestrian safety
- 8) Increased damage to the road surface
- 9) Loss of amenity for neighbouring residents as a result of reduced privacy and daylight, lost outlook, noise and light pollution
- 10) Increased risk of surface water and groundwater flooding
- 11) Loss of biodiversity
- 12) Inadequate infrastructure e.g. drainage, sewerage, infrastructure
- 13) Adverse effect on land stability at Little House
- 14) Approval would set a precedent for further residential development

- 10.2 A letter of support has also been received, which cites the benefits to the village from new residential development.

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

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

- 13) The site is not in an area identified as at risk of subsidence. The Building Regulations approval process would ensure the structural soundness of any new buildings.

- 14) Future applications would be determined on their own merits.

11. APPRAISAL

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

- | | |
|---|--|
| A | Location of housing (S7, H1, 78-79 & PPG) |
| B | Character, appearance and heritage (S7, GEN2, ENV2, 127, 170, 189-196 & PPG) |
| C | Transport (GEN1, GEN8 & 102-111) |
| D | Accessibility (GEN2, 127 & PPG) |
| E | Amenity (GEN2, GEN4 & 127) |
| F | Flooding (GEN3, 155-165, PPG & SFRA) |
| G | Infrastructure (GEN6 & PPG) |
| H | Biodiversity (GEN7, 175 & PPG) |
| I | Agricultural land (ENV5 & 170) |

- J Affordable housing (H9 & PPG)
- K Housing mix (H10 & SHMA)
- L Housing land supply (11 & 73)

A Location of housing (S7, H1, 78-79 & PPG)

- 11.1 The site's location beyond the Development Limits for Ashdon ensures that residential development would not accord with Local Plan policies on the location of housing. However, its position adjacent the built-up area of the village ensures compliance with the more up-to-date policy at paragraphs 78-79 of the NPPF.

B Character, appearance and heritage (S7, GEN2, ENV2, 127, 170, 189-196 & PPG)

- 11.2 Residential development on an open agricultural field would inherently harm the rural character of the area. However, it is considered that the level of harm in this instance would be limited. The development would fill a gap between housing to the north and the various agricultural and other buildings to the south, and it would be positioned opposite existing housing lining the eastern side of Radwinter Road. Overall, it is considered that the site gives the impression of forming part of the village rather than the surrounding countryside.
- 11.3 The matters of scale, layout, appearance and landscaping are reserved but the indicative site layout and street scene drawings demonstrate that four detached houses could fit comfortably on the site, in a way that could appear compatible with the appearance of neighbouring properties. A mature tree at the front of the site is not protected by either a Tree Preservation Order (TPO) or conservation area designation but its retention would appear to be both feasible and a desirable component of any landscaping proposals that would be fully assessed at the Reserved Matters stage.
- 11.4 It is acknowledged that the site is located adjacent the Ashdon conservation area. The proposed houses could be visible from the conservation area, and could therefore affect its setting. Nevertheless, it is considered that any impact would be very limited due to the position of the access at the furthest end of the site and the potential to minimise the visual impact of the development through appropriate design and landscaping.
- 11.5 It is concluded that development of the site would inherently cause limited harm to the character of the countryside, in conflict with Policy S7 and paragraph 170 of the NPPF. However, there would be no conflict with policies on the design of development or effects on heritage assets.

C Transport (GEN1, GEN8 & 102-111)

- 11.6 It is acknowledged that the occupants of the proposed dwellings would realistically need to use a car to access most services, facilities and employment, in conflict with the sustainable transport objectives of Policy GEN1. However, the proposal accords with the more up-to-date policy at paragraph 103 of the NPPF, which encourages a flexible approach that takes account of other policies for rural areas. It is therefore concluded that paragraphs 78-79 (discussed above) provide the key policy for the location of small-scale rural housing.

- 11.7 Taking into account the comments of the highway authority, it is considered that there would be no adverse effects on road safety or capacity as a result of the development. An initial objection from the highway authority was removed following the submission of revised plans that demonstrate adequate visibility splays.
- 11.8 The indicative site layout demonstrates that there would be ample space on the site to ensure compliance with the Council's minimum residential parking standards.

D Accessibility (GEN2, 127 & PPG)

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

E Amenity (GEN2, GEN4 & 127)

- 11.10 Taking into account The Essex Design Guide, a non-adopted but useful guidance document, it is considered that the proposed rear gardens would be of a suitable size, and that there would be no significant adverse effects on the amenity of neighbouring premises with respect to daylight, privacy or overbearing impacts. Furthermore, the proposed residential land use and the position of the vehicular access ensure that there would be no significant nuisance to neighbours. It is therefore concluded that the proposal accords with the above policies insofar as they relate to amenity.

F Flooding (GEN3, 155-165, PPG & SFRA)

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

G Infrastructure (GEN6 & PPG)

- 11.13 Taking into account the nature and scale of the development, and the above consultation responses, it is considered that there would be no requirement for improvements to off-site infrastructure. It is therefore concluded that the proposal accords with Policy GEN6.

H Biodiversity (GEN7, 175 & PPG)

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

I Agricultural land (ENV5 & 170)

- 11.15 Policy ENV5 seeks to prevent significant losses of the best and most versatile (BMV) agricultural land, and paragraph 170 of the NPPF has a similar objective. While the site is classified as Grade 3, which is regarded as BMV land, the development would not represent a significant breach of these policies because the land is small in agricultural terms and the high quality of land across the majority of the District means that some loss is inevitable.

J Affordable housing (H9 & PPG)

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

K Housing mix (H10 & SHMA)

- 11.17 Policy H10 requires developments of three or more dwellings to include a significant proportion of small market dwellings with two or three bedrooms. Compliance with this policy would be ensured in the determination of any subsequent application for the approval of reserved matters.

L Housing land supply (11 & 73)

- 11.18 Paragraphs 11 and 73 of the NPPF describe the importance of maintaining a five-year supply of deliverable housing sites. As identified in the most recent housing trajectory document, Housing Trajectory 1 April 2017 (August 2017), the Council's housing land supply is currently 3.77 – 4.2 years. Therefore, contributions towards housing land supply must be regarded as a positive effect.

12. CONCLUSION

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

- A** The proposal does not accord with the development plan due to conflicts with policies on the location of housing, countryside character, sustainable transport and agricultural land.
- B** Notwithstanding the above, it is concluded that the proposal represents 'sustainable development' in the context of the NPPF. The tilted balance at paragraph 11 is engaged because relevant policies for the supply of housing, including the associated site allocations and Development Limits, are out of date. In this case, the limited adverse effect on countryside character and negligible loss of BMV agricultural land would not significantly and demonstrably outweigh the benefits from the proposal's contribution

towards housing land supply.

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

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Application for approval of the Reserved Matters must be made to the local planning authority not later than the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
3. The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
4. Prior to commencement of the development, details of the areas within the curtilage of the site to be used for loading, unloading, reception and storage of building materials, and manoeuvring of all vehicles including construction traffic, must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved details.

REASON: To ensure that the highway is not obstructed during the construction period, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.
5. Prior to occupation of any dwelling, the access at its centre line must be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres, as measured from and along the nearside edge of the carriageway, as shown on Drawing No. HF/3 Rev B (dated 17/07/2018).

Such vehicular visibility splays must be provided before the access is first used by vehicular traffic.

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

6. Prior to occupation of any dwelling, the private driveway hereby permitted must be constructed to a width of 5 metres for at least the first 6 metres from the back of the carriageway.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

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

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

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

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

9. The development must be carried out in accordance with the ecological mitigation and enhancement measures and/or works recommended in the submitted Preliminary Ecological Appraisal Report (Green Environmental Consultants Ltd, August 2018).

These include retaining hedgerows, due diligence regarding nesting birds, bat sensitive lighting, installation of bat and bird boxes, permeable boundaries and the use of native planting.

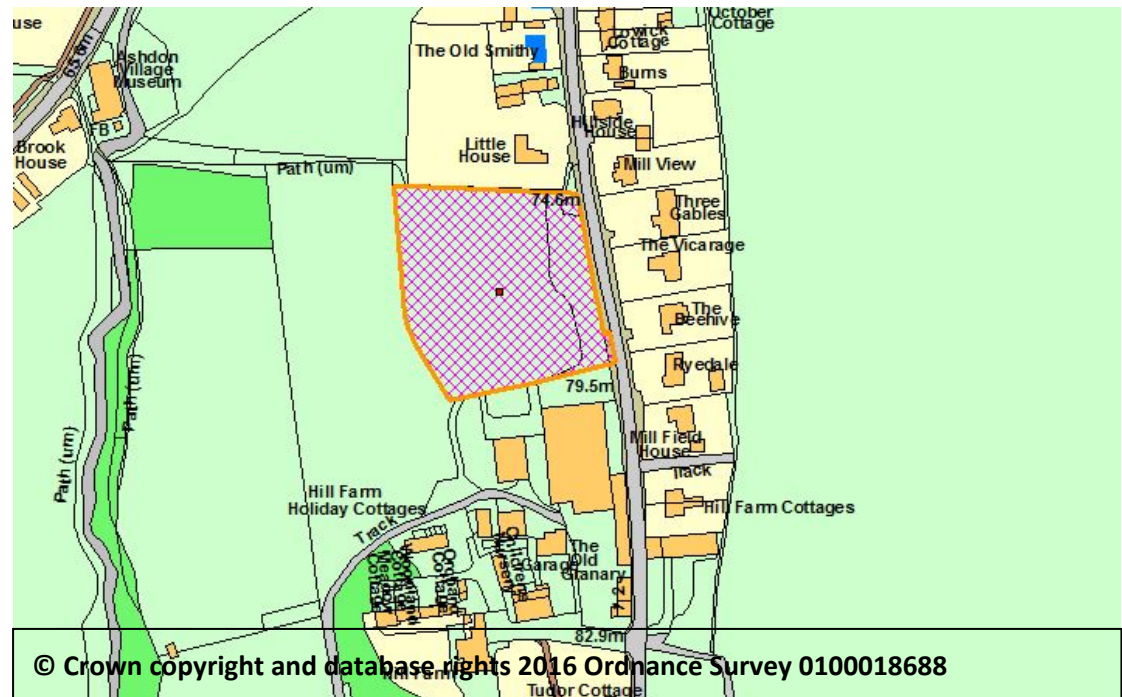
REASON: To conserve and enhance biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

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

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

Application: UTT/14/1429/OP

Address: Land to the West of Radwinter Road, Ashdon



Organisation: Uttlesford District Council

Department: Planning

Date: 31/08/2018

UTT/18/1386/FUL

Reason: called in by Councillor Susan Barker.

PROPOSAL: Erection of two no two bedroom flats with associated parking.

LOCATION: Land to the rear of 3 Holloway Crescent, Leaden Roding.

APPLICANT: Mr Melvin Archer.

AGENT: Mr Antony O'Toole – E&M Design Partnership.

EXPIRY DATE: 27 July 2018.

CASE OFFICER: Peter McEvoy

1. NOTATION:

- 1.1 - within Leaden Roding's development limits.
- general aerodrome directions.

2. DESCRIPTION OF SITE:

- 2.1 The application site is located off Willow Green in Leaden Roding. It comprises a portion of land previously used as part of the rear garden serving 3 Holloway Crescent and is part of a wider housing development.

3. PROPOSAL:

- 3.1 The applicant is requesting planning permission to erect a pair of two-bedroom flats. There would also be parking spaces, with access from Willow Green, and rear gardens. The proposal is effectively a resubmission of an earlier scheme from 2015. All dimensions can be scaled from the submitted plans.

4. ENVIRONMENTAL IMPACT ASSESSMENT:

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

5. APPLICANT'S CASE:

- 5.1 The applicant has included a site biodiversity checklist and a brief planning statement in a letter from his agent.

6. RELEVANT SITE HISTORY:

- 6.1 UTT/15/0990/FUL – proposed erection of 2no two bedroom flats with associated parking (approved with conditions on 26 May 2015).
UTT/14/3504/FUL – erection of 2no two bedroom flats with associated parking (refused on 13 February 2015).
UTT/1651/04/FUL – erection of a detached bungalow and garage (approved with

conditions on 7 December 2004).

Comments on relevant site history:

- 6.2 The 2014 application was refused for a similar development due to material overlooking from the upper floor windows along the rear elevation. The applicant then resubmitted his application and substituted these windows with rooflights. This design feature, and their positioning 1.7m from the upper floor level was considered to be sufficient to ensure that any overlooking from these windows onto neighbouring properties would not be material (officer's report, UTT/15/0990/FUL).

7. POLICIES:

7.1 National Policies:

National Planning Policy Framework (2018).

7.2 Supplementary Planning Documents/Guidance:

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

7.3 Uttlesford Local Plan (2005):

S3 – other development limits.
GEN1 – access.
GEN2 – design.
GEN7 – nature conservation.
GEN8 – vehicle parking standards.
H3 – infilling with new housing.

7.4 Other Material Considerations

None.

8. LEADING RODING PARISH COUNCIL'S COMMENTS:

8.1 The Parish Council made the following points:

- a bungalow would be better as there would be no problems of overlooking and be more in keeping with the surrounding buildings.
- issues over land ownership.
- the site would be suitable for a bungalow but not flats: local residents' opinions should be considered.
- the proposal is not suitable for the surrounding houses.
- the development is too big for the site. The front elevation on the plans show this could be turned into a four bedroomed house at a later date.
- there is no need for more flats.

9. CONSULTATIONS:

- 9.1 The Local Highways Authority – Essex County Council.
From a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to a condition requiring the provision of pedal cycle and powered two wheeler parking.

9.2 Cadant Gas
No issues.

10. REPRESENTATIONS:

10.1 At the time this report was prepared, the LPA had received the following comments from two neighbouring occupiers:

- adverse impact on neighbour amenity: loss of privacy, visual dominance and shadowing.
- the plans appear to show that the separation distance between the proposal and neighbouring property is greater than it is in reality.
- loss of light.
- possible fire hazard from new owners having a bonfire or barbeque so close to the neighbours' existing oil tanker.

10.2 Comments which raise valid planning issues are considered in the report, but in relation to the other points raised:

- loss of light is a legal easement, based on the provisions of the Prescription Act 1832 and other legislation. If it can be shown to exist, then the easement would be enforced by civil action and not through the planning system.
- a potential fire hazard is not a material planning consideration.
- comments about the accuracy of the plans are noted, but the LPA must base its decision on the submitted plans. Consent 'attaches' to the submitted plans, which could invalidate the permission if these documents are incorrect.
- concern about legal interests (ownership) in land is not a material planning consideration as planning permission does not overreach the applicant's requirement to secure consent from third party landowners (without such an agreement, the applicant would effectively have a permission which could not be implemented).
- the applicant's motives of applicants for choosing a particular design or housing type are not relevant planning considerations.

11. APPRAISAL:

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

- A Principle of development (NPPF, Local Plan Policies H3 and S3).
- B Design and amenity (NPPF, Local Plan Policies GEN2, Essex Design Guide).
- C Site biodiversity (NPPF, Local Plan Policy GEN7).
- D Access and parking (Local Plan Policies GEN1 and GEN8, Essex Parking Standards, Uttlesford Parking Standards).

A Principle of development:

11.1 The NPPF recognises the need for housing to be located where it will enhance or maintain the vitality of rural communities as an example of sustainable development (paragraph 78). The site is within the settlements limits of Leading Roding and so Local Plan Policy S3 applies to the proposal. Development which is compatible

with the settlement's characteristics and countryside setting would be permitted, subject to the scheme complying with all other relevant planning policies. The previous permissions have already established that the proposal complies with Policy S3.

11.2 New housing within development limits to support local services and facilities as set out in Policy H3. The scheme would contribute, in a small way, to the services offered in Leaden Roding and beyond. The village does benefit from regular bus services to several settlements, including Harlow, Great Dunmow, Stansted and Chelmsford.

11.3 Overall the principle of development at the site is considered to be met.

B Design and amenity:

11.4 National and local planning policies expect development to be constructed to a high standard of design. For a residential development, this is usually taken to mean that the scheme is broadly sympathetic in terms of scale, appearance (including design and choice of materials) to the surrounding area.

11.5 There are a variety of housing styles and types within the area and so the proposal would not create an incongruous appearance. The proposed choice of materials, including render, weatherboarding and plain concrete tiles are commonly found on dwellings throughout the district and so are acceptable. The dwelling would be of a standard design with few architectural flourishes, but it would not be out of place in the street scene. The applicant states that proposed rear gardens' areas are each around 55m² which would meet the Essex Design Guide's suggested provision of 50m² per two bedroomed property. However the actual area would be slightly less but it would still be sufficient to ensure a reasonable level of private amenity space for future occupiers.

11.6 The proposal is therefore considered to meet the required design criteria.

11.7 Local Plan Policy GEN2(i) requires developments to not create an unacceptable impact on the amenity of nearby occupiers in terms of shadowing, visual dominance or loss of privacy, with the Essex Design Guide providing supplementary guidance on these criteria.

11.8 Any shade created by the proposal would track across the application site for the majority of the day. Some shadowing would fall along the rear gardens of the immediate neighbours both early and late in the day. Taken together, the cumulative effect would not be sufficient to justify a refusal, especially as gardens enjoy less protection compared to dwellings in this regard.

11.9 The development would result in a structure located on a currently empty plot. The scheme would create some visual impact, however the separation distance from the proposal to its nearest neighbours is considered to be sufficient to ensure that the visual impact would not be materially dominant.

11.10 The Essex Design Guide recommends a minimum distance between the backs of houses of 25m to prevent harmful overlooking of habitable rooms, with a greater distance of 35m where overlooking would be from an upper storey room. The separation distance between the scheme's rear elevation and the property immediately behind the dwelling (Ivy Cottage) would be around 21m. The applicant

is proposing to use rooflights rather than windows and the 1.7m height from the upper floor level to the bottom of the rooflights would ensure that overlooking would not be material.

- 11.11 There would also be a small first floor window on the side elevation, but the applicant is proposing that it would be fitted with obscure glazing to restrict any overlooking.

C Site biodiversity:

- 11.12 Local Plan Policy GEN7 requires applicants to show that the development would not have a harmful effect on wildlife or geological features unless the need for the development outweighs the importance of the feature to nature conservation. Applicants also have a legal duty towards legally protected species or habitats. The NPPF requires development to enhance and contribute to biodiversity where possible. The applicant has submitted a biodiversity questionnaire which has not identified any potential issues.

E Access and parking:

- 11.13 Applicants are required to show that their development would not compromise the safety of the highway by ensuring that any additional traffic generated by the development can easily and safely be accommodated within the existing highway network (Policy GEN1) and by providing a commensurate level of parking that is appropriate for the development (Policy GEN8).
- 11.14 The proposal's limited scope would be extremely unlikely to lead to an increase in traffic to the extent that the safety of the highway would be compromised. Parking requirements depends, in part, on the number of bedrooms in the property. A two bedroomed flat would require two parking spaces, making four in total. The applicant has shown this number of bays on the plans. The local highways authority has noted that there is no provision for cycles, but this point may be addressed by their recommended condition.

12. CONCLUSION:

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

- A** The principle of development is acceptable in this location.
- B** The design is considered to be appropriate and would not adversely affect the amenity of neighbouring occupiers.
- C** There would be no impact on the site's biodiversity.
- D** There would be no issues relating to traffic generation, road safety or parking requirements.

RECOMMENDATION – approve with conditions.

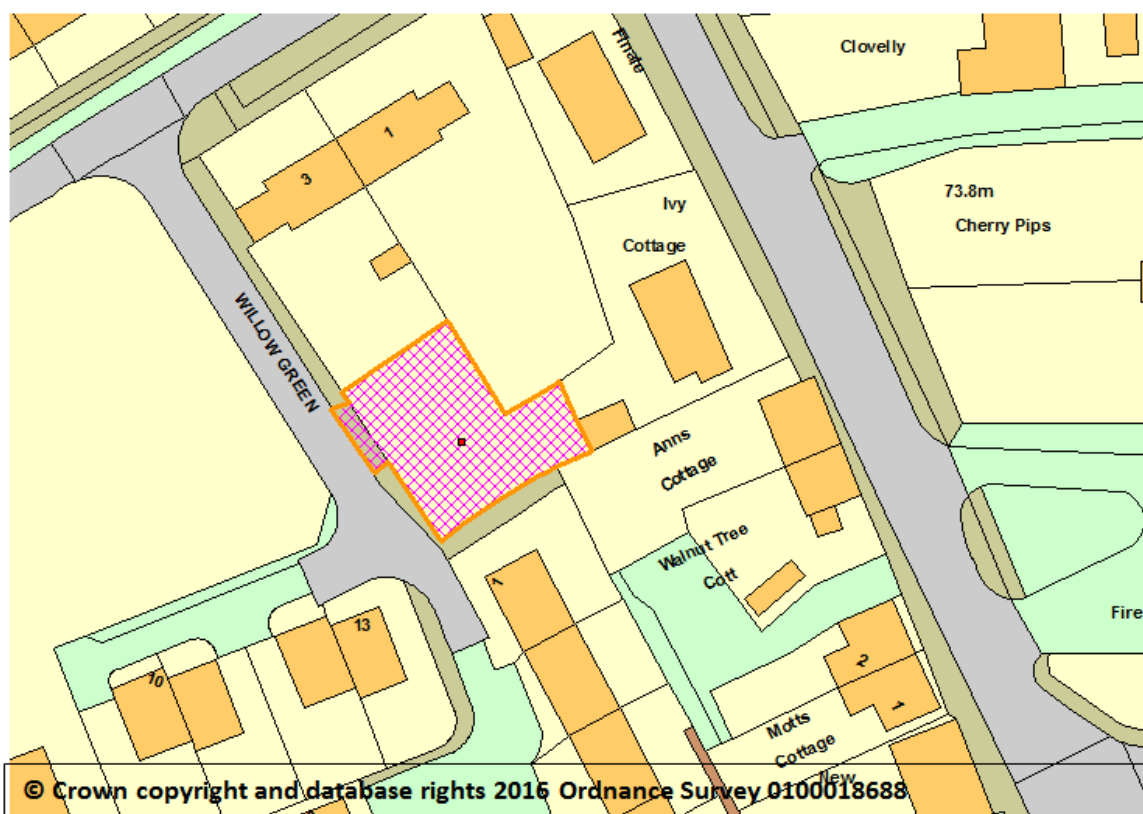
Conditions:

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

REASON: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The 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 and in accordance with the local highway authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.



Organisation: Uttlesford District Council

Department: Planning

Date: 18 September 2018