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Uttlesford District Council

Chief Executive: Dawn French

Planning Committee

Date: Wednesday, 21st November, 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 make statements to the Committee 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 Meetings 24.10.18 & 14.11.18

5 - 8

To consider the minutes of the previous meetings.

Minutes of 14.11.18 meeting to follow

3 UTT/18/1826/DFO - Land West of Woodside Way, Great Dunmow

9 - 16

To consider application UTT/18/1826/DFO.

- 4 UTT/18/0739/FUL - Joyce Franklin Trust, Newport 17 - 46**

To consider application UTT/18/0739/FUL.

- 5 UTT/18/1993/FUL - Land to the west of High Lane, Stansted 47 - 78**

To consider application UTT/18/1993/FUL.

- 6 UTT/18/2400/OP - Land East & North of Clifford Smith Drive, Felsted 79 - 106**

To consider application UTT/18/2400/OP.

- 7 UTT/18/1467/FUL - Homebase Ltd, Elizabeth Close, Saffron Walden 107 - 114**

To consider application UTT/18/1467/FUL.

- 8 UTT/18/2642/HHF - 28 Tukes Way, Saffron Walden 115 - 120**

To consider application UTT/18/2642/HHF.

- 9 UTT/18/2426/NMA - Land to the East of Frambury Lane, Newport 121 - 124**

To consider application UTT/18/2426/NMA.

- 10 UTT/18/2797/NMA - Land to the east of Newton Villas, Dunmow 125 - 128**

To consider application UTT/18/2797/NMA.

- 11 UTT/18/2854/TCA - No.4, South View, Walden Road, Radwinter 129 - 136**

To consider application UTT/18/2854/TCA.

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**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 24
OCTOBER 2018 at 2.00 pm**

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

Officers in attendance: E Allannah (Senior Planning Officer), N Brown (Development
Manager), A Mawson (Democratic Services Officer),
M Shoesmith (Development Management Team Leader),
E Smith (Solicitor) and C Tyler (Planning Officer)

PC39 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Hicks.

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

Councillor Loughlin declared a non-prejudicial interest in that she was acquainted with the applicant of UTT/18/1993/FUL.

PC40 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 26 September were received and signed by the Chairman as a correct record.

PC41 UTT/18/1993/FUL - LAND TO THE WEST OF HIGH LANE, STANSTED

The Planning Officer presented the application for the development of the site to provide 35 dwellings with associated garages, drainage, landscaping and parking. The proposal included the introduction of a new pedestrian access points from Cambridge Road and High Lane, with the vehicular access taken from High Lane.

The Development Manager clarified for the benefit of the Committee that the Part M building regulations superseded the 'Lifetime Homes Standards'.

Members discussed aspects regarding pedestrian access and safe crossing of the roads, provision of open space, parking and air quality.

Members expressed uncertainty in relation to claims that the site had access to refuge points for crossing (halfway islands in the road). An adjournment was called to enable clarification to be provided.

The meeting was adjourned at 15:04

The meeting reconvened at 15:14

Councillor Fairhurst proposed deferral of the application.
Councillor Ryles seconded the proposal to defer.

The vote was taken.

Councillor Redfern indicated that she was not clear on the motion or the recommendation.

The Development Manager clarified that the committee were asking for a formal crossing to be provided, and if this could be provided at officer level then this would be to their satisfaction.

The Chairman said the vote would be taken again.

Councillor Fairhurst said it was irregular to vote again. Councillor Lodge raised a point of order in relation to whether a repeat vote was a breach of the Council's Rules of Procedure. The Legal Officer's advice was sought as to whether proper procedure had been followed.

The Legal Officer said the initial vote had been problematic as one vote cast, namely the vote to abstain, was a conditional vote and the member seeking to abstain had made it clear it was a conditional vote and therefore not her final opinion. In such circumstances it was reasonable for a second vote to be taken.

The proposal to defer the application being again put to the vote, it was defeated.

The Chairman proposed the recommendation for approval with conditions for officers to come back with the addition of a formal crossing.

Councillor Loughlin seconded the motion.

The vote was taken.

RESOLVED to approve subject to Section 106 and Officers to progress crossing solution and report back to Committee 21.11.18

Councillors Sell and Dean, R Woodcock, Daphne Wallace-Jarvis, Ruth Clifford and N Parsons spoke on the application.

The meeting was adjourned at 15:37

The meeting reconvened at 15:47

PC42

**UTT/18/1004/FUL - AUDLEY END STATION STATION ROAD WENDENS
AMBO**

The planning officer presented the application for a surface car park extension to Audley End Railway Station car park to provide an additional 152 spaces, lighting, CCTV security cameras, signage, access and associated hard and soft landscaping.

Councillor Lemon declared a personal interest as the Chairman of the Transport Forum.

Councillor Mills declared a personal interest as the Vice Chairman of the Transport Forum.

The Committee discussed the need to mitigate the possible effects on air quality the additional spaces may cause, tree retention, screening, road improvements, lighting and contributions to the local links and residents' concerns.

Councillor Chambers proposed refusal of the application.

Councillor Redfern seconded the motion.

RESOLVED to refuse the application for the following reasons:

- i. The proposed development would adversely harm the visual amenity of the neighbouring properties due to the proximity of the proposed expansion of the car park as shown in the revised plans; and it would induce more traffic and car fumes which would increase air pollution. The location and size of the proposed car park expansion would harm the open character of the countryside and lead to some loss of trees which forms an important boundary treatment with neighbouring properties therefore the proposed development is contrary to Policies S7; GEN2 (i) and ENV8 of the adopted Local Plan (2005).

R Walford, I Grant and L Coffey spoke on the application.

The meeting closed at 4:45pm

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UTT/18/1826/DFO

(MAJOR)

PROPOSAL: Details following outline approval UTT/13/2107/OP for up to 790 homes, including primary school, community buildings, open space including playing fields and allotments and associated infrastructure - details of access into the site (amendments to the access approved under UTT/16/1466/DFO)

LOCATION: Land West of Woodside Way, Great Dunmow

APPLICANT: Barratt David Wilson Homes Eastern (Ray Houghton)

AGENT: None

EXPIRY DATE: 15 October 2018 (Extension of time agreed)

CASE OFFICER: Clive Theobald

1. NOTATION

1.1 Outside Development Limits / Adjacent Ancient Woodland, County Wildlife Site and SSSI.

2. DESCRIPTION OF SITE

2.1 The application site lies on the western edge of Great Dunmow to the east of Woodside Way and forms part of an outline approved housing development site known as "Land to west of Woodside Way" comprising 790 dwellings and associated infrastructure, including internal road network (UTT/13/2107/OP). The land to which this outline permission relates is within two ownerships; "Trembath land" - Phases 1, 2 and 4, and "Siemens land" - Phase 3.

2.2 The B1256 Stortford Road runs along the southern boundary of the site, whilst open fields lie to the north. Woodside Way lies close to site's eastern boundary running parallel with a landscaping belt, whilst High Wood runs along the site's western boundary. A pair of cottages (Canada Cottages) stands along the site's frontage boundary onto the B1256 with long thin residential curtilages which jut into the site. The site currently consists of five fields being used for agricultural purposes. An intersecting public footpath runs through the site connecting Stortford Road and Woodside Way.

3. PROPOSAL

3.1 This DFO application relates to a new "left in, left out" priority junction to be positioned along Stortford Road between the existing Stortford Road/Woodside Way roundabout situated to the east and a proposed new linking roundabout to serve "Land west of Woodside Way" approved under UTT/16/1466/DFO to be situated to the west. The new priority junction would specifically serve Phase 3 of the new housing development ("Siemens Land"). The application also includes details of associated highway mitigation works in the form of traffic flow improvements to the existing Stortford Road/Woodside Way roundabout and the widening of the existing footway/cycleway along the B1256 between the proposed priority junction and the

existing Stortford Road/Woodside Way roundabout.

- 3.2 The proposed associated highway improvement works to the existing Stortford Road/Woodside Way roundabout by way of mitigation would involve entry and exit width improvements to the Stortford Road approaches to the roundabout and entry width improvements to the Woodside Way Approach which it is stated would improve the vehicle capacity of the junction to within “theoretical capacity” as more particularly described at paragraph 7.1 of the Transport Statement.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The environmental impacts of the proposed road infrastructure for “Land west of Woodside Way” were assessed against relevant parameters under approved application UTT/16/1466/DFO and were found not to be significant given that no significant changes had occurred cumulatively since the granting of outline permission UTT/13/2107/OP when it was concluded that the reserved matters application did not require the submission of a separate Environmental Statement. It was noted for that screening assessment that one notable change in circumstances had occurred since the grant of the original outline permission, namely that the Woodside Way Dunmow Bypass had become operational to vehicular traffic.
- 4.2 The current reserved matters application seeks planning approval solely for the provision of a priority junction to serve Phase 3 of “Land west of Woodside Way”. Thus, taken in isolation, the proposed works would not give rise to significant environmental impacts having regard to its nature, size and location when taking into consideration the characteristics of the development, the location of the development and the characteristics of the potential development where the proposal site is not located wholly in or partly within a “sensitive area” as defined by the Regulations, albeit that the site is located adjacent to High Wood SSSI. Furthermore, the proposed works would not give rise to any significant impacts that have not been previously considered in both the outline and previously approved DFO applications for “Land west of Woodside Way” taking into account the opening of Woodside Way, whilst the highway mitigation measures which are proposed and which have been identified in the applicant’s accompanying Transport Statement sufficiently address the likely traffic impacts of the proposal on the existing Stortford Road/Woodside Way roundabout and B1256 connecting section subject to these measures being implemented either by way of recommended highway conditions or under separate S178 works.

5. APPLICANT’S CASE

- 5.1 The application is accompanied by a Planning Supporting Statement prepared by David Wilson Homes, a Transport Statement prepared by Clarkebond together with accompanying technical documents and notes relating to a detailed Stage 1 Safety Audit for the proposed highway works. A SuDS checklist report has also been prepared (Clarkebond).

Planning Supporting Statement:

- 5.2 The accompanying planning statement puts forward the highway and development benefits of the proposed priority junction shown for Stortford Road to serve Phase 3 of “Land west of Woodside Way” stating that the proposed works comply with relevant planning policy, adding that the reserved matters application constitutes “a significant step in the delivery of the scheme approved at outline planning stage with

the approved scheme forming a key element of Uttlesford District Council's five year housing land supply". It is suggested that the proposed infrastructure for Phase 3 could assist in the delivery of a looped road layout as indicatively shown in the accompanying planning statement.

Transport Statement:

- 5.3 The accompanying Transport Statement sets out the technical background to the current planning application, refers to relevant plan policy and guidance, existing highway conditions, the proposed highway works, trip generation and distribution with reference to existing traffic flows, traffic counts, queues and accidents associated with the locality of the proposed access junction, transport impact, and highway mitigation. The assessment advises that it has been agreed with ECC Highways that the B1257 Stortford Road/Woodside Way/Granary access roundabout within the vicinity of the proposal site would be re-assessed as part of the Transport Statement whereby the S106 agreement for UTT/13/2107/OP includes a commitment to improve the existing Stortford Road/Woodside Way roundabout to provide increased capacity whereby the highways mitigation scheme was not identified in detail at original application stage for "Land West of Woodside Way". The Transport Statement concludes as follows:

"The proposed development accords with national and local transport policy and can be provided with suitable access and without detriment to the safe operation of the local transport network. As such, it is considered that there is no reason why planning permission for the proposal should not be granted on highway and transport grounds".

6. RELEVANT SITE HISTORY

- 6.1 Outline planning permission with all matters reserved granted on 27 October 2015 for the erection of up to 790 homes, including primary school, community buildings, open space, including playing fields and allotments and associated infrastructure at Land West of Woodside Way subject to a S106 agreement (UTT/13/2107/OP).
- 6.2 The masterplan layout for that proposed development proposed that the residential development of the site would be delivered in 4 phases whereby Phase 1 would be adjacent to High Wood, Phase 2 would be the north-eastern part of the site, Phase 3 would be the south-eastern part and Phase 4 would be the north-western part. The masterplan showed an indicative spine road leading from the B1256 Stortford Road via the provision of a newly formed roundabout with the B1256 and then leading between Phases 1, 2, 3 and 4 of the development through to a new priority junction with Woodside Way as shown in principle.
- 6.3 Reserved matters approval for the provision of two vehicular accesses into the site and principal (spine) roads within the site itself following outline application UTT/13/2107/OP at "Land West of Woodside Way" was subsequently approved on 15 December 2016 (UTT/16/1466/DFO).
- 6.4 The section 106 agreement entered into when outline consent was granted for development of the "Trembath" and "Siemens" land provides for highway access from Woodside Way across open space in the ownership of Uttlesford District Council. However, a neighbouring owner has claimed that granting access from Woodside Way to the "Siemens" land would be in breach of covenant and is seeking an injunction. This has led the developer of the "Siemens" land to submit a separate planning application with all matters other than Access reserved to provide a

separate vehicular access to the “Siemens” land and it is this application which is currently before Members for formal consideration.

7. POLICIES

Uttlesford Local Plan (2005)

ULP Policy GEN1 – Access

Supplementary Planning Documents/Guidance

None

National Policies

National Planning Policy Framework (Revised July 2018)

Other Material Considerations

Great Dunmow Neighbourhood Plan – Policy DS4: TDA: Land West of Woodside Way

8. PARISH COUNCIL COMMENTS

8.1 No comment.

9. CONSULTATIONS

Highways England

9.1 No objections. Highways Act Section 175B is not relevant to this application.

Cadent

9.2 The proposal as currently specified is in proximity to Cadent and/or National Grid apparatus which may impact, and possibly prevent, the proposed activities for safety and/or legal reasons. As the works are at a “proposed” stage, any maps and guidance provided are for information purposes only and is not an approval to commence work.

UK Power Networks

9.3 I have enclosed a copy of our records which show the electrical lines and/or electrical plant. Should your excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV) then please contact us to obtain a copy of the primary route drawings and associated cross sections.

MAG London Stansted Airport

9.4 No airport safeguarding objections.

Essex County Council Highways

9.5 This application is to provide an additional access to the already approved

UTT/13/2107/OP. The access will serve 250 dwellings. The application is for 'a left, in left out' access therefore as part of the impact on the Woodside Way roundabout and the proposed access to the majority of the development from Stortford Road was assessed. The increased impact on the Woodside Way Roundabout (due to traffic wanting to travel west having to go east and all the way round the roundabout to come back past the site and onto the A120 junction) has necessitated some works to provide increased capacity; this includes an addition lane on the eastern approach and an addition circulatory lane on the southern side. The proposals have been subject to a stage 1 Safety Audit and will be subject to further audits and design checks in the usual manner should the scheme be taken forward. To aid accessibility, the footway Cycle NCN16 is to be widened to 3m where land is available along the site frontage.

- 9.6 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the mitigation and highway conditions. The conditions and obligations attached to UTT/13/2107/OP and any applications for detail following outline application are still required and this recommendation is in addition to those.

Essex County Council SuDS

- 9.7 No SuDS objections subject to drainage conditions.

Essex County Council Education (Infrastructure Planning)

- 9.8 No comments.

Essex County Council Archaeology

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

UDC Environmental Health

- 9.10 No objections. No significant environmental health issues identified regarding the proposed access road.

10. REPRESENTATIONS

- 10.1 1 representation received (Object). Neighbour notification period expires 8 August 2018. Advertisement expires 16 August 2018. Site notice expires 27 August 2018.

1 Bridge Barn, Folly Farm, Great Dunmow, Essex , CM6 1SG

- 10.2 "As it stands, the Local Plan for UDC is out for consultation to look at the wider needs of the community. It would be unacceptable to go ahead with this scheme until comments from the consultation have been compiled and submitted as the final scheme for inspection in 2019. If the Local Plan is adopted and this development is identified as one that is needed, then a new planning application should be resubmitted. Without vision, direction, costings and a needs based assessment, this scheme is both unsound and would show favouritism to this land developer before the Local Plan has been agreed".

(Comments on representation received):

- 10.3 The principle of residential development has already been agreed for this housing site under outline planning permission UTT/13/2107/OP where both the District Council and the Parish Council were supportive of developing this edge of settlement site for housing purposes. The comments expressed are therefore not applicable to the submitted DFO application which seeks solely the construction of a priority junction for Phase 3 of the approved development.

11. APPRAISAL

The sole issue to consider in the determination of the application is:

A Whether the proposed means of vehicular access would be acceptable (ULP Policy GEN1 and NPPF).

- 11.1 ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005) states that development will only be permitted if it meets all of the following criteria;
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
 - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
 - c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
 - d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.
 - e) The development encourages movement by means other than driving a car.

In this context, ULP Policy GEN1 is broadly in line with national policy advice as set out within the revised NPPF under the chapter "Promoting sustainable transport".

- 11.2 The Transport Statement accompanying the current application states that the proposed positioning of the proposed priority junction to serve Phase 3 would ensure no interference between the existing Stortford Road/Woodside Way roundabout and proposed roundabout junction stating that *"It is considered that the proposed access junction is acceptable in design terms for providing access to 250 dwellings and roundabouts in close proximity to the east and west and supports the case for a left-in left-out junction"*.
- 11.3 The technical details relating to the siting, design, layout and construction of the proposed priority junction as relocated as well as the contents of the Transport Statement and Stage 1 Safety Audit which accompany the application have been examined by ECC Highways. ECC Highways wrote to the applicant following ongoing communications between the two parties stating that they were satisfied with the drawing design details as presented for the access provision, but were concerned about other items referred to in the submitted Safety Audit not being satisfactorily addressed, albeit that the applicant had considered that these were minor issues which could be addressed at detailed design stage (Stage 2).
- 11.4 Following further communications with the applicant, ECC Highways have advised Uttlesford District Council that they are satisfied as far as can be reasonably ascertained from detailed drawing and sketch drawings submitted that the proposed access scheme can be implemented subject to detailed design and further required Road Safety Audits. On this basis, they have further advised that a highways recommendation of approval can be issued as all outstanding highway issues have

been resolved.

- 11.5 In light of ECC Highways formal response, the proposed new “left in left out” priority junction with associated highway mitigation works the subject of the current DFO application for Phase 3 at “Land west of Woodside Way” complies with the qualifying criteria set out in ULP Policy GEN1 relating to highway design, resulting impact on the main road network resulting from increased traffic capacity onto the B1256, highway safety for all road users and also accessibility. The proposed works would also comply with the NPPF in respect of promoting sustainable transport.

12. CONCLUSION

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

- A** The proposed highway works to provide a new “left in left out” priority junction with associated highway mitigation works for Phase 3 at “Land west of Woodside Way” would comply with ULP Policy GEN1 and the NPPF and are considered acceptable.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

1. Prior to occupation of the development, the provision of a ‘left in, left out’ access formed at right angles to Stortford Road as shown in principle on DWG no. WB03551/C/420 (issued 02/12/2018), shall include facilities to include, but not be limited to, a 2 metre footway and 3m footway cycleway, a drop kerb crossing and also a physical island to prohibit right turners accessing and egressing the access and also the provision of a clear to ground visibility splay to the west with dimensions of 4.5 metres x 215 metres as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

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

2. Prior to occupation of the development, the widening of the existing footway/ cycleway (National Cycle Route 16) to a minimum of 3m (where land is available) on the northern side of Stortford Road along the frontage of the site to a crossing point on Woodside Way Roundabout as shown in principle on drawing numbers WB03551/C/420 (issued 02/12/2018) and WB03551/C/410/A/Mark Up (issued 05/11/2018) shall take place. For the avoidance of doubt, such a cycleway shall include full depth construction/reconstruction of any existing footway and surfacing of the entire width of the cycleway to the satisfaction of the Local Planning Authority.

REASON: To make adequate provision and links to local facilities by foot and cycle within the highway for residents of the proposed development in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

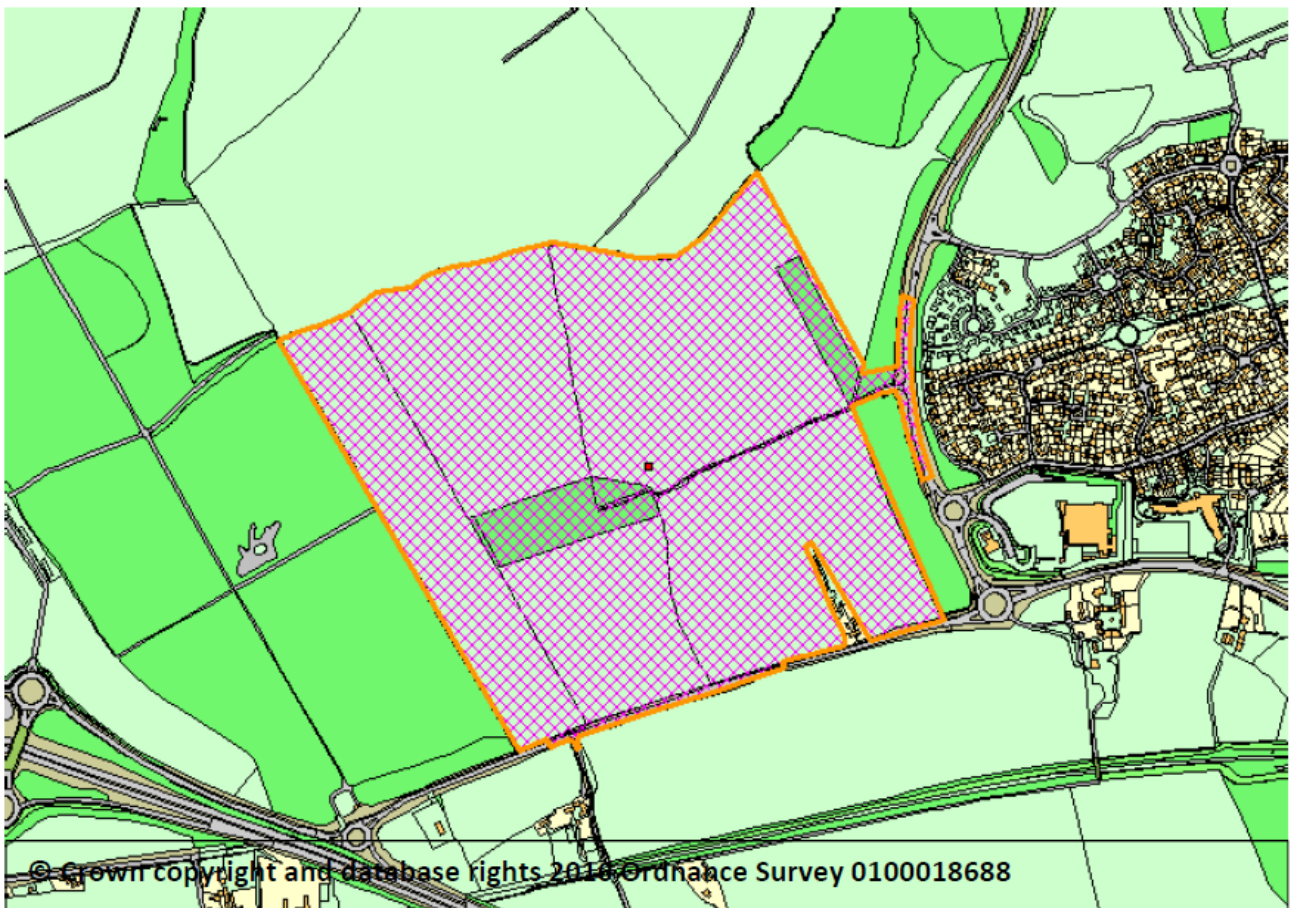
3. Prior to occupation of the development, provision shall be made for the capacity scheme on Woodside Way Roundabout as shown in principle on drawing number WB03551/C/410/A/Mark Up (issued 05/11/2018). The scheme shall include, but

shall not be limited to, additional approach lanes to the roundabout and on the southern circulation of the roundabout. All works shall be agreed with the highway authority and subject to a detailed design and Safety Audit process.

REASON: To provide for sufficient capacity on the highway network in accordance with Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

4. Prior to occupation of the development, provision shall be made for a drop kerb crossing on Stortford Road to facilitate pedestrian access to the existing bus stops.

REASON: To facilitate sustainable access to the site in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).



Organisation: Uttlesford District Council

Department: Planning

Date: 12 November 2018

UTT/18/0739/FUL (NEWPORT)

(More than five dwellings)

PROPOSAL:	The erection of 24 dwellings with associated access, car and cycle parking and landscaping, drainage and acoustic fencing, construction of a new multi-use games area (MUGA) and floodlights, replacement floodlighting to existing artificial turf pitch, construction of new fenced tarmacadam courts for tennis and netball, first floor and side extension to the Wawn sports pavilion, new brick electrical cupboard and reconfigured car parking.
LOCATION:	The Joyce Frankland Academy, Cambridge Road, Newport, CB11 3TR
APPLICANT:	Hill Residential Ltd & The Joyce Frankland Trust Newport
AGENT:	Beacon Planning Ltd
EXPIRY DATE:	28 November 2018
CASE OFFICER:	Luke Mills

1. NOTATION

- 1.1 Countryside; Development Limits (part); Conservation Area (part).

2. DESCRIPTION OF SITE

- 2.1 The site is located off Burywater Lane, Newport. It comprises a portion of the grounds of Joyce Frankland Academy, primarily including playing fields but also the two car parks on the northern side of the road.

3. PROPOSAL

- 3.1 The application is for planning permission to erect 24 dwellings in the south-east corner of the playing field, enlarge the car park near the western boundary and provide new and enhanced sports facilities for the benefit of the school and the local community. The sports facilities would include:

- Multi-Use Games Area (MUGA)
- Tennis and netball courts
- Artificial cricket wicket
- Netting on eastern cricket boundary
- Improvements to the Wawn pavilion
- Improvements to the cricket pavilion
- Improvements to the existing artificial-turf pitch

- 3.2 An Accommodation Schedule is appended to this report.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 A request for a screening opinion was submitted with the application

(UTT/18/0856/SCO). The Council's opinion confirmed that 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:

- Arboricultural Impact Assessment
- Archaeological Desk-Based Assessment
- Biodiversity Validation Checklist
- Biodiversity Statement & Mitigation Plan
- Boundary Risk Assessment
- Design & Access Statement
- Economic Viability Analysis
- Energy Statement
- Flood Risk Assessment & Surface Water Drainage Strategy (Sports Development Proposals)
- Flood Risk & Drainage Strategy Report
- Geo-Environmental Report
- Landscape and Visual Impact Assessment
- Lighting Statement
- Noise Assessment
- Planning and Heritage Statement
- Proposed car parking layout
- Statement of Community Involvement
- SuDS Checklist
- Transport Statement
- Utilities and Services Report

5.2 During the determination period, the following documents have been submitted:

- Note regarding temporary cricket netting measures
- Email regarding ball stop system
- Technical Note – Response to Essex County Council Comments
- Micro Drainage Storage Estimate
- Drainage Design Report
- Report on supplementary site investigation works

6. RELEVANT SITE HISTORY

6.1 A list of applications from the site's extensive planning history is provided below:

- UTT/0444/92 Change of use from agricultural land to school playing fields (Approved: 1992)
- UTT/1049/93/FUL Change of use on part of site from agricultural land to playing fields and engineering/earthworks on the whole site (Approved: 1993)
- UTT/1264/93/FUL Erection of a sports pavilion, fence and flood-lighting on the sports ground. (Approved: 1994)

- UTT/1193/95/FUL Erection of clubhouse/pavilion (alternative to that approved under UTT/1264/93/FUL) and erection of 3m high fencing. (Approved: 1996)
- UTT/0687/96/FUL Retrospective application for the retention of an all-weather sports pitch, associated ground-shaping, fencing and floodlights, with amendments. (Approved: 1996)
- UTT/0013/99/FUL Construction of a new sports hall, including a clubhouse for hockey club. (Refused: 1999. Appeal dismissed)
- UTT/0800/99/FUL Revised application for erection of new sports hall including club house for hockey club. (Refused: 1999. Appeal allowed)
- UTT/1648/00/REN Renewal of planning permission UTT/1193/95/FUL for erection of clubhouse/pavilion (Approved: 2001)
- UTT/0618/03/FUL Create sixty eight parking spaces on disused tennis court. Close existing vehicular access and create new access onto Bury Water Lane. (Approved: 2004)
- UTT/2049/04/FUL Proposed triple garage for mini buses. (Approved: 2005)
- UTT/0474/07/FUL Phase 2 extension to existing sports hall to include changing rooms, classroom and refreshment area (Approved: 2007)
- UTT/17/0165/CC Essex County Council Consultation ref: CC/UTT/04/17 - Construction of a detached two storey school building, including 9 new classrooms and ancillary facilities at the existing Joyce Frankland Academy, on land to the north of Bury Water Lane. (Approved: 2017)

6.2 It is noted that the nine-classroom building approved in 2017 is currently under construction (UTT/17/0165/CC).

6.3 The site was submitted for consideration in the Strategic Land Availability Assessment (SLAA), which was carried out to support preparation of the Council's emerging Local Plan. The site was initially assessed in 2015 (Site Ref: 12New15) and an updated assessment in 2018 concluded as follows:

“The site is available and development is achievable subject to acceptable replacement of the car park and design solutions to reduce the impact of the railway line. The site is not considered suitable due to loss of school land especially playing fields and car parking, and impact of noise from the railway.”

6.4 The unsuitability of the site was further explained as follows:

“The school is on a split site either side of Bury Water Lane and this site is located in the middle of the school site and there are concerns about the juxtaposition of the two land uses. Concerns are raised over the suitability of this site because of how the residential development can be designed to fit within the school site, loss of playing fields, loss of parking, ground level

differences as well as impact from railway noise on the site.”

7. POLICIES

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

Uttlesford Local Plan (2005)

- 7.4
- S3 – Other Development Limits
 - 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
 - ENV1 – Design of Development within Conservation Areas
 - ENV2 – Development affecting Listed Buildings
 - ENV3 – Open Spaces and Trees
 - ENV4 – Ancient Monuments and Sites of Archaeological Importance
 - 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
 - LC1 – Loss of Sports Fields and Recreational Facilities
 - LC2 – Access to Leisure and Cultural Facilities
 - LC4 – Provision of Outdoor Sport and Recreational Facilities Beyond Development Limits

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, 59-64, 73, 78-79, 91-92, 96-97, 102-111, 127, 155-165, 170, 175, 178-183 & 189-197
Planning Practice Guidance (PPG)
- Air quality
- Conserving and enhancing the historic environment
- Design
- Flood risk and coastal change
- Housing: optional technical standards
- Land affected by contamination
- Light pollution
- Natural environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Rural housing
- Viability
- Water supply, wastewater and water quality

Other Material Considerations

- 7.7 West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) (2015)
Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)
Air Quality Action Plan 2017 – 2022
Housing Trajectory and 5-Year Land Supply Statement 1 April 2018 (October 2018)
Historic Settlement Character Assessments (2007)
Newport Conservation Area Appraisal and Management Proposals (2007)

8. PARISH COUNCIL COMMENTS

- 8.1 Objection. Concerns include:
- The site is not allocated in the emerging Local and Neighbourhood Plans
 - Inadequate road infrastructure
 - Increased traffic
 - Risk to highway safety
 - Inadequate parking provision
 - Poor footpath connections to the village
 - Inadequate garden sizes
 - Increased air pollution
 - No need for additional housing in Newport
 - Inadequate sewerage infrastructure
 - Increased risk of flooding
 - Reduced scope for future school expansion
 - Adverse effect on child safeguarding
 - Loss of amenity from light pollution

9. CONSULTATIONS

Highway Authority (Essex County Council)

- 9.1 No objections, subject to conditions and a S106 agreement. An initial objection was removed following the submission of additional/revised information, as explained in the below extract from a consultation response dated 4 October:

“Since the planning application has been submitted, further information has been provided and the Highway Authority has conducted an on-site meeting with the planning agents.

It has been confirmed that the visibility splays from the vehicular access can be provided in accordance with the required standard for the speed of the road. Adequate visibility splays from the proposed pedestrian crossing point of Bury Water Lane, at the junction with Cambridge Road, can be provided. The Highway Authority has recommended these visibility splays are subject to a condition.

The applicant has revised the pedestrian accesses into the site, to accommodate the required 2 metre footways. Evidence of a contractual agreement between the developer and Joyce Frankland Academy has been provided, confirming that pedestrians will have the right to access the footway network to the west of the site from the development by access through the school grounds. The Highway Authority seeks to ensure that the pedestrian access is retained in perpetuity and a legal agreement between the relevant parties should be entered into prior to commencement of the development to ensure that the pedestrian access to the west remains free and unobstructed in perpetuity. If this legal undertaking is not secured then the Highway Authority does not believe that safe and suitable access for all users can be provided for this development, and therefore would not support the proposal.”

Natural England

- 9.2 No objections.

Ecological Consultant (Place Services)

- 9.3 No objections, subject to the use of conditions to secure ecological mitigation and enhancement measures. Extract:

“I have reviewed the information submitted by the applicant. The Biodiversity Statement & Mitigation Plan (Landscape Planning Ltd, March 2018) has mitigation and enhancements for the development; these should be secured by condition. It also includes calculations for biodiversity net gain based on the proposals having new hedges, I am further asking for a landscaping plan so that the detail of these i.e. species mixes and the locations can be specified.”

Environmental Health Officer

- 9.4 No objections, subject to the use of conditions. Extract:

“Although the application seeks to install additional lighting at this facility, the upgrading of the lighting serving the existing sports pitch should result in less light spill from this facility. This view is demonstrated in the submitted lighting report and associated light spill map.

... The submitted noise report addresses noise from transport sources affecting the new residential properties and noise from the existing and proposed MUGA affecting any new or existing residential premises. I would like to make clear that the noise assessment recommends physical mitigation measures in the form of an acoustic fence along the eastern boundary and bunds to mitigate noise from the MUGA (alongside other measures) and these are important to ensure that satisfactory noise levels are achieved for the proposed and existing dwellings. These do not form part of the submitted plans as far as I am aware which may be problematic, for example, should the planning department not consider these acceptable in planning terms. However, should these measures be acceptable then I recommend conditions to ensure adequate mitigation is achieved.

... The construction phase could give rise to impacts on neighbouring properties which could be dealt with through a Construction Environmental Management Plan for which a recommended condition is given below. For the operational phase, a development of this size is not considered to have a significant impact on air pollution levels. A new NO₂ diffusion tube site has been located in Newport and all indications are that levels are well below the national objective for this pollutant. However, it is recommended that mitigation in the form of electric charging points are included in the residential units is to be encouraged and should be conditioned to ensure these are included.”

Conservation Officer

9.5 Objection. Full response:

“The site subject of this application adjoins the conservation area of historic village of Newport. It is located on an elevated site containing good selection of mature trees along its eastern and southern boundary. Due to its elevated topography and the existence of impressive tree line, it is prominent and forms attractive open space positively contributing to the character of the locality and setting of designated heritage assets nearby. Its open nature represents an attractive transition between compact environment of the historic village and open countryside

I consider that the suggested intensive development would seriously diminish the quality of the area. Although high level of modern development has taken place in Newport already, the northern end of the village still maintains its historic linear pattern. Development of the above land would further dilute the historic plan of the village.

In terms of the layout, all the new houses would ‘turn their back’ onto the public side of the site, presenting unsightly close boarded fencing or other inappropriate boundary treatment to the wider community. I am sceptical that all the existing trees which visually contribute so much to the local built environment would survive and the potential new residents could not be prevented from the removal of any survivals.

The layout consists of tightly knit substantial two storey houses which would appear to be much more imposing because of the structure of the land. It is likely that new housing estate would result in a car dominated street scene as the large scale drawings indicated the parking spaces extending beyond principle elevations of the dwellings. The houses mostly grouped in pairs would be of substantial scale and unremarkable architecturally. The use of brick and brick on edge window heads would give them an additional sense of solidity poorly responding to predominantly plastered historic build heritage in Newport.

To conclude, as the site is elevated above the adjacent carriageways of Cambridge Road and Bury Water Lane it would give the proposed dwellings prominence when viewed from the public realm to the detriment of adjoining conservation area and the wider setting of the listed buildings in the locality. In addition the necessary more robust access to the estate would have a detrimental visual impact on the existing rural character of Bury Water Lane which runs adjacent to the site. I feel that this proposal should be resisted.”

Lead Local Flood Authority (Essex County Council)

- 9.6 No objections, subject to conditions.

Historic Environment Advisor (Place Services)

- 9.7 No objections, subject to the use of conditions to secure archaeological investigation. Extract:

“The Historic Environment Record and the desk top study submitted with the application indicate that the proposed development lies within a potentially sensitive area of heritage assets. The proposed development lies on the northern edge of the medieval town and there is the potential of occupation of this period especially in the areas along the road frontage. There is also documentary evidence of a castle being present in the vicinity of the school (EHER 234). It is assumed this would be a Norman Castle probably dating to the 11th or 12th century. The desk based assessment identifies the site having archaeological potential for a number of periods and has identified the need for further archaeological assessment.

A programme of archaeological investigation of all areas of ground disturbance, to include residential areas, balancing ponds and landscaping will be required to fully assess the surviving heritage assets on the site and record them prior to development commencing. The initial phase of work would comprise a trial trenching exercise.”

Landscape Officer

- 9.8 Objection. Full response:

“The part of the site proposed to accommodate the new dwellings is elevated above the adjacent carriageways of Cambridge Road and Bury Water Lane which would give the proposed dwellings prominence in views taken from the public highway. The development would in particular have a detrimental visual impact on the character of Bury Water Lane as it runs adjacent to the site. The existing mature trees, consisting principally of birch, maple, horse chestnut, ash, and lime trees, which bound the southern and eastern edges

of the site, make a significant contribution to the quality and visual amenity value of the site and the surrounding area. The proximity of the proposed dwellings to these trees is of concern in that construction would encroach on the root protection areas of some of these trees. Furthermore, a number of the trees retained as part of the proposed development would likely be subject to future pressure from residents for their removal or reduction given their size and proximity to the dwellings.

Some 17 trees are proposed to be felled to accommodate the proposed development, with an additional two groups of trees consisting of maple and birch trees. Of these trees, 14 are classified in the applicant's submission as being of moderate quality (Cat.B), including the groups of maple and birch, and three of low quality (Cat.C). Two other trees were found to be in a poor condition (Capt.) that they cannot realistically be retained.

25 trees shown to be retained as part of the development would have incursions into their root protection areas. One these is a mature oak tree classified as being of high quality (Cat.A). 16 other trees and a group of trees (Cat.B), and 7 other trees (Cat.C) would have potential root area incursions. It is accepted that with 'no dig' solutions that the potential detrimental effect of the development on these subjects can be reduced.

Whilst the majority of the existing trees have been classified in the submission as being of moderate quality, it is considered that a number by reason of their prominence on elevated ground have a group value worthy of being made the subjects of a tree preservation order.

The proposed dwellings are not considered to be of particular architectural merit. Furthermore, the scale, materials, and grouping of the houses on this elevated site exacerbates the detrimental visual impact of the proposed development, which does not sensitively relate to the historic character of the building forms and pattern of development within the adjacent conservation area."

Sport England

- 9.9 No objections as a statutory consultee. The area of playing field that would be lost to residential development does not contain formal pitches, and its loss would be outweighed by the following sports-related benefits:
- The additional artificial grass pitch (AGP) and associated lighting would improve capacity for the Academy, Saffron Walden Hockey Club and community football club users, and provide the opportunity for winter use by Newport Village Tennis Club
 - Necessary improvements to the existing AGP
 - The improvements to the Wawn pavilion would increase capacity in line with the increased sports pitch capacity
 - Minor improvements to the cricket pavilion
 - The proposed tennis and netball courts are important for delivery of the PE curriculum, while interest has also been expressed by local clubs

- The artificial cricket wicket would increase capacity for use by the Academy and local junior cricket, subject to the use of 6m high netting on the boundary with the proposed housing

- A community use agreement could formalise the use of existing and proposed facilities by the local community in the long term

- The relocated parking spaces would better serve the sports facilities

9.10 As a non-statutory consultee, Sport England supports the development. Extract:

“The proposed development would provide a range of new or enhanced sports facilities that have been designed for meeting identified community needs and which have been developed in consultation with stakeholders such as sports clubs and sports governing bodies. The new sports facilities would offer potential to make a significant contribution towards meeting community sports facility needs in the Newport area...”

Anglian Water

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

“The foul drainage from this development is in the catchment of Newport Water Recycling Centre that will have available capacity for these flows

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

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

Affinity Water

9.12 No objections.

Stansted Airport

9.13 No objections.

NATS

9.14 No objections.

Essex Police

9.15 No objections.

Housing Enabling Officer

9.16 Confirms the required tenure mix for a policy-compliant provision of affordable housing.

Open Spaces Society

- 9.17 Raises concerns regarding the accessibility of public footpaths 4 and 7.

Education Authority (Essex County Council)

- 9.18 No objections. No contributions required for education infrastructure or school transport.

Historic England

- 9.19 Does not wish to comment.

10. REPRESENTATIONS

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

- 1) Adverse effect on the character and appearance of the area
- 2) Loss of amenity for existing residents due to a loss of daylight and privacy, and from noise and light pollution
- 3) Loss of a valuable recreation area for pupils
- 4) Increased risk to highway safety
- 5) Inadequate parking provision
- 6) Increased traffic congestion
- 7) Increased risk of flooding
- 8) Increased air pollution
- 9) Lack of public open space within the residential development
- 10) Lack of affordable housing
- 11) Inadequate infrastructure e.g. sewerage, education, healthcare
- 12) An Environmental Impact Assessment (EIA) is required
- 13) Loss of view from existing houses

- 10.2 A number of supportive letters have been received, which include the following points:

- a) Benefits to pupils and local clubs from improved sports facilities
- b) Noise and light pollution would be minimal
- c) The additional traffic would be minimal
- d) There would be adequate parking provision for the sports facilities
- e) The housing would generate funding for improvements to the school
- f) There is a need for housing

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

1) – 11) Covered in the below appraisal.

12) As explained under the heading, 'Environmental Impact Assessment', EIA is not required.

13) The loss of a view is not a material planning consideration. However, effects on the character and appearance of the area are covered in the below appraisal.

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 (S3, S7, GEN2, GEN5, ENV1, ENV2, ENV3, 127, 170, 189-197 & PPG)
- C Transport (GEN1, GEN8 & 102-111)
- D Accessibility (GEN2, LC2, 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)
- I Biodiversity (GEN7, 175 & PPG)
- J Archaeology (ENV4, 189-197 & PPG)
- K Contamination (ENV12, ENV14, 178 & PPG)
- L Air quality (ENV13, 181 & PPG)
- M Affordable housing (H9, 59-64 & PPG)
- N Housing mix (H10 & SHMA)
- O Sport and recreation (LC1, LC4, 91-92, 96-97 & PPG)
- P Housing land supply (11 & 73)

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 accords 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 homes that could lead to sporadic development in the countryside. The site's location adjacent the built-up area of Newport ensures its consistency with paragraphs 78-79.

B Character, appearance and heritage (S3, S7, GEN2, GEN5, ENV1, ENV2, ENV3, 127, 170, 189-197 & PPG)

- 11.3 The proposed housing would be erected at the south-eastern edge of the school playing field, the new sports pitches/courts would be constructed adjacent the existing Multi-Use Games Area (MUGA) and the proposed parking spaces would be formed in the existing car park in the south-west corner of the site. The housing would be located adjacent the Newport conservation area, which extends to the south, south-west and east.
- 11.4 It is considered that the sports facilities and parking provision would have a minimal effect on the character of the area due to their co-location with similar features, and that the associated floodlighting would minimise light pollution to a suitable level. However, the proposed housing has the potential for a greater visual impact due to its location on land that is currently open. Taking into account the comments of the Conservation Officer and Landscape Officer, it is considered that the effect would inherently be adverse. Nevertheless, it is necessary to establish the weight that should be attributed to the harm.

- 11.5 The site of the proposed housing currently makes an important contribution to the character of the area and the setting of the conservation area due to the mature trees adjacent Cambridge Road and its junction with Burywater Lane. These provide a vegetated backdrop to the street scene and contribute to local distinctiveness. It is considered that the open playing field beyond the trees offers little to the street scene, and that containment of the development to the south-eastern corner of the site prevents any significant incursion of buildings into the surrounding countryside to the north of the school.
- 11.6 The submitted Arboricultural Implications Assessment (AIA) demonstrates that the mature trees on Cambridge Road and Burywater Lane would be retained, thereby protecting the local distinctiveness of the street scene. The most extensive removals would be in the north-east corner, where the trees are not prominent in the street scenes and abut the railway.
- 11.7 During the determination period, the Landscape Officer has identified that four groups of trees on the site have considerable value. As a result, a Tree Preservation Order (TPO) has been made (TPO 05/18). An earlier TPO applies to an Oak adjacent the rear boundary of Plot 4.
- 11.8 The majority of the TPO trees would be retained and, taking into account the comments of the Landscape Officer, it is considered that suitable protection could be provided during the construction phase. Two would be removed – a Lime and an Ash labelled T18 and T52 in the application – but it is considered that the overall effect on the groups would be minimal, subject to the use of a condition to secure suitable replacement planting. The Landscape Officer’s advice regarding pressure from future residents for further removals is noted, although this would not necessarily be the case and the TPO provides suitable protection to ensure any works are fully assessed.
- 11.9 The nearest listed buildings are the Grade II listed buildings on the southern part of the school site and at The Priory and Priory Cottage, to the south-east of the proposed housing. Similarly to the above assessment, it is considered that there would be no significant effect on the setting of these heritage assets due to the retained group of trees.
- 11.10 In conclusion, there would be a limited adverse effect on the rural setting of the village, as is inherent with development on open land. The proposed houses are considered to be well designed and laid-out, thereby creating an attractive street scene within the development. The harm to the conservation area, a designated heritage asset, is considered ‘less than substantial’ in the context of paragraphs 189-196 of the NPPF and, therefore, outweighed by the public benefits of the proposal.
- 11.11 In assessing the proposal’s effect on listed buildings and a conservation area, regard has been had to the Council’s statutory duties under S66(1) and S72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

C Transport (GEN1, GEN8 & 102-111)

- 11.12 The site’s location within a relatively large village ensures that the occupants of the proposed dwellings would have access to a small range of services

and facilities, and to a train station with regular services to Cambridge and London. It is therefore considered that the proposal meets the sustainable transport objectives of Policy GEN1 and paragraph 103 of the NPPF.

- 11.13 The highway authority initially raised a number of objections to the proposed development, the key concerns relating to visibility splays and pedestrian access arrangements. Subsequent negotiations have resulted in the submission of revised plans, which have successfully addressed these concerns. Therefore, taking into account the highway authority's final consultation response, it is considered that the proposal would not give rise to adverse effects on highway safety or efficiency.
- 11.14 The proposal accords with the Council's minimum residential parking standards, as set out in the Accommodation Schedule appended to this report.

D Accessibility (GEN2, LC2, 127 & PPG)

- 11.15 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)

- 11.16 Essex Police has not raised any objections to the proposed development. Nevertheless, comments would be sought on any landscaping details reserved by conditions to ensure that the detailed design reflects good practice for crime prevention.

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

- 11.17 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 residents with respect to daylight, privacy or overbearing impacts.
- 11.18 Taking into account the submitted Noise Assessment and the comments of the Environmental Health Officer, it is considered that suitable noise mitigation measures could be secured using conditions. These measures could include appropriate fencing around pitches/courts to limit the generation of noise, and acoustic fencing along the eastern boundary of the site adjacent the railway.
- 11.19 The Environmental Health Officer has confirmed that there would be no significant harmful effects on amenity from the proposed floodlighting. Compliance with the submitted lighting strategy could be secured using a condition.

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

- 11.20 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 development is for 10 dwellings or more, national policy requires the use of a sustainable drainage system (SuDS).

- 11.21 Taking into account the comments of the lead local flood authority, it is considered that an appropriate SuDS could be secured using conditions. It is therefore concluded that the proposal accords with the above policies.

H Infrastructure (GEN6)

- 11.22 Taking into account the comments of the education authority, Anglian Water and Affinity Water, it is considered that the development would not necessitate improvements to off-site infrastructure. Therefore, subject to the use of a condition to secure a foul water strategy in accordance with Anglian Water's requirements, the proposal accords with Policy GEN6.

I Biodiversity (GEN7, 175 & PPG)

- 11.23 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, subject to the use of a condition to secure soft landscaping details and mitigation and enhancement measures.

J Archaeology (ENV4, 189-197 & PPG)

- 11.24 Taking into account the comments of the Historic Environment Advisor, it is considered that conditions could be used to secure appropriate archaeological investigation prior to the commencement of development. Subject to these conditions, it is concluded that the proposal accords with the above policies insofar as they relate to archaeology.

K Contamination (ENV12, ENV14, 178 & PPG)

- 11.25 Taking into account the comments of the Environmental Health Officer, it is considered unlikely that the development would cause any land contamination issues. Subject to the use of a condition to ensure that any contamination is investigated if encountered, it is concluded that the proposal accords with the above policies insofar as they relate to contamination.

L Air quality (ENV13, 181 & PPG)

- 11.26 Taking into account the comments of the Environmental Health Officer, it is considered that the proposed development would not give rise to a significant reduction in air quality in Newport. Nevertheless, a condition could secure electric vehicle charging points to minimise any increase in pollution, and a further condition could ensure that environmental impacts are minimised during the construction period. Subject to these conditions, it is concluded that the proposal accords with the above policies.

M Affordable housing (H9, 59-64 & PPG)

- 11.27 Policy H9 and its preamble form the basis for seeking affordable housing provision from new residential developments. In this case, the policy indicates that 40% of the proposed dwellings should be affordable homes.
- 11.28 No affordable housing has been proposed, with the applicant proposing new sports facilities instead. This point is discussed further in the conclusion of this report.

N Housing mix (H10 & SHMA)

- 11.29 Policy H10 provides the policy basis for ensuring that the need for smaller homes is reflected in new developments. The SHMA provides further detail on the housing mix for the District, which is compared to the proposed housing mix in the table below:

Market house type	SHMA	Proposal
1 bed flat	140 (1.4%)	0
2+ bed flat	80 (0.8%)	0
2 bed house	690 (7.1%)	5 (20.8%)
3 bed house	4,290 (44.2%)	13 (54.2%)
4 bed house	3,110 (32%)	6 (25%)
5+ bed house	1,410 (14.5%)	0
Total	9,700 (100%)	24 (100%)

- 11.30 It is concluded that the proposal accords with Policy H10 as it would provide a significant proportion of small homes, in excess of that suggested in the SHMA.

O Sport and recreation (LC1, LC4, 91-92, 96-97 & PPG)

- 11.31 Taking into account the comments of Sport England, it is considered that the loss of an area of playing field is justified in this instance because no formal pitches would be affected and the loss would be significantly outweighed by the sports-related benefits associated with the new or enhanced facilities. These facilities would be made available to the local community through a legal agreement, and it is acknowledged that the proposed artificial grass pitch addresses a need identified in the Council's Sports Facilities Development Strategy (2016) for an additional hockey pitch at the site. It is therefore concluded that the loss of playing field is compliant with the above policies, and that the new and enhanced facilities represent a significant benefit.

P Housing land supply (11 & 73)

- 11.32 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 and 5-Year Land Supply Statement 1 April 2018 (October 2018), the Council's housing land supply is currently 3.46 – 4.45 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, settlement character and affordable housing.
- B** Notwithstanding the above, it is necessary to consider whether the proposal represents 'sustainable development' in the context of the NPPF. The tilted balance at paragraph 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 following positive and adverse effects have been identified:
- Positive effects:
- Contribution towards housing land supply
 - Provision of improved sports facilities, for the school and local community
- Adverse effects:
- Harmful effect on the rural setting of the village
 - Lack of affordable housing provision
- C** Limited weight is given to the harmful effect on the character of the area because the most distinctive feature – the group of trees adjacent Burywater Lane and Cambridge Road – would be retained. It is considered that this harm would not outweigh the positive effect from the proposal's contribution to housing land supply.
- D** As for the other effects, it is considered that the provision of improved sports facilities would outweigh the lack of affordable housing provision in this instance. It is noted that the applicant's viability assessment has been verified by the Council's independent consultant, with the conclusion that affordable housing cannot be provided in addition to the sports facilities.
- E** In conclusion, the adverse effects would not significantly and demonstrably outweigh the benefits of the proposal, such that it represents 'sustainable development' for the purposes of the NPPF. 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.
- F** It is recommended that a S106 agreement be used to secure a financial contribution equivalent to 40% affordable housing, in the unlikely event that the proposed sports facilities are not completed.

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 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 Services, in which case he shall be authorised to conclude such an obligation to secure the following:

(i) The availability of the artificial grass pitches, netball/tennis courts, sports hall, playing fields (including cricket pitch) and supporting ancillary pavilion and parking facilities to the community, when not required by the Academy for the purposes of its students

(ii) Permanent pedestrian access from the proposed housing development to Burywater Lane, via the school

(iii) In the event that the sports facilities are not completed and made available for use within an agreed time period, a financial contribution equivalent to the provision of 10 affordable homes

(iv) payment of the Council's reasonable legal costs

(v) 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 by 27 November 2018, the Assistant Director Planning shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:

(i) Failure to secure community access to the artificial grass pitches, netball/tennis courts, sports hall, playing fields (including cricket pitch) and supporting ancillary pavilion and parking facilities

(ii) Failure to secure permanent pedestrian access from the proposed housing development to Burywater Lane, via the school

(iii) Failure to secure suitable affordable housing provision, in the event that the sports facilities are not fully completed and made available for use within an agreed time period

Conditions

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

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

2. Prior to commencement of the development, except for site preparation/groundworks/enabling works, a foul water strategy including a timeline for the phasing of the works must be submitted to and approved in writing by the local planning authority. All works must be carried out in accordance with the approved strategy.

REASON: To prevent environmental and amenity problems arising from flooding, in accordance with policies GEN3, GEN6 and ENV12 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

3. Prior to the Multi-Use Games Area (MUGA) being brought into use, a Noise Management Plan must be submitted to and approved in writing by the local planning authority. The Plan must identify measures to control noise emanating from the existing MUGA and hereby permitted MUGA facility. The development must be carried out in accordance with the approved Plan.

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

4. Prior to commencement of the development, a detailed Construction Environmental and Traffic Management Plan must be submitted to and approved in writing by the local planning authority. The Plan should include:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Management of traffic to reduce congestion
- f) Control of dust and dirt on the public highway
- g) Details of consultation and complaint management with neighbours
- h) Mechanisms to deal with environmental impacts such as noise, air quality and light

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

REASON: To minimise environmental impacts and ensure that the highway is not obstructed during the construction period, in accordance with policies GEN1 and GEN4 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 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, and should include but not be limited to:

- Limiting discharge rates via infiltration for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. Where this is found to be unviable, run off rate should be limited to the 1 in 1 year greenfield rate for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change.

- Provision of 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.
- A timeline for the phasing of the drainage works

REASON: In accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework:

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

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

REASON: In accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework:

- To ensure development does not increase flood risk elsewhere and does not contribute to water pollution.
- Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged.
- The removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates.
- To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

7. Prior to occupation of any dwelling, 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: In accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework:

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

8. Prior to commencement of the development, an arboricultural method statement must be submitted to and approved in writing by the local planning authority. The statement should include but not be limited to:

- Tree protective fencing
- No ground excavations within tree RPAs
- Any anti-compaction measures required to be taken
- The specific locating of services trenches to avoid excavations within RPAs where possible, or if necessary being undertaken by hand dig only.
- Specific methods for construction of site access routes close to or within retained trees' RPAs

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

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. 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 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.

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.

10. Following completion of the archaeological trial trenching required by Condition 9 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.

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.

11. Within three months of the completion of the works required by Condition 10, 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.

12. Prior to occupation of any dwelling, details of the following hard and soft landscaping works must be submitted to and approved in writing by the local planning authority:

- Retained features
- New planting (including to directly replace T18 and T52, as labelled in the submitted Tree Protection Plan)
- Hard surfaces
- Boundary treatment

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

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

REASON: To ensure compatibility with the character of the area and in the interests of conserving biodiversity, in accordance with Policy S7, Policy GEN2 and 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.

13. Prior to commencement of development comprising the erection of the dwellings hereby permitted, the new/relocated car parking area as indicated on Drawing No. 3276/SD02 Rev D must be fully hard surfaced, sealed and marked out in parking bays.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur and that appropriate parking is provided, in accordance with Policy GEN1 and Policy GEN8 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure the new parking facilities are available before the existing facilities are lost.

14. Prior to any works above slab level, details of the following external finishes for the dwellings (including samples and/or photographs as appropriate) must be submitted to and approved in writing by the local planning authority:

- Walls
- Roof
- Windows
- Doors

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

REASON: To ensure compatibility with the character of the area, in accordance with Policy S3 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

15. Prior to any works above slab level, a scheme for protecting the dwellings from noise from road and rail traffic must be submitted to and approved in writing by the local planning authority. The scheme must follow the recommendations identified in the submitted Noise Assessment (Cass Allen report; Ref: RP01-17226 Rev 2). The approved scheme must be fully implemented 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 mitigation measures are in place before residents are exposed to the noise sources.

16. Prior to any works above slab level, a scheme for protecting the dwellings from noise from the Multi-Use Games Area (MUGA) facilities must be submitted to and approved in writing by the local planning authority. The scheme must follow the recommendations identified in the submitted Noise Assessment (Cass Allen report; Ref: RP01-17226 Rev 2) and relevant national guidance. The approved scheme must be fully implemented 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 mitigation measures are in place before residents are exposed to the noise source.

17. Prior to commencement of development involving the construction of the netball/tennis courts hereby permitted, except for site preparation/groundworks/enabling works, details of the court specifications

(including dimensions, surfacing, fencing and line markings) must be submitted to and approved in writing by the local planning authority. The courts must be constructed in accordance with the approved details.

REASON: To ensure the development is fit for purpose and sustainable, 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.

18. Prior to commencement of development involving the installation of the artificial cricket wicket hereby permitted, details of its technical specifications must be submitted to and approved in writing by the local planning authority. The wicket must be installed in accordance with the approved details.

REASON: To ensure the development is fit for purpose and sustainable, 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.

19. Prior to occupation of any dwelling, full details of the cricket netting system hereby permitted must be submitted to and approved in writing by the local planning authority. The system must be installed in accordance with the approved details prior to occupation of any dwelling, and the netting must be fully raised in accordance with the details during cricket matches.

REASON: To minimise risk to the safety of the occupants of the residential development hereby permitted, 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.

20. Prior to occupation of any dwelling, details of lighting for the eastern pedestrian access must be submitted to and approved in writing by the local planning authority. The lighting must be installed in accordance with the approved details prior to occupation of any dwelling.

REASON: To ensure the safe passage of pedestrians and in the interests of accessibility, 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.

21. Prior to occupation of any dwelling, the approved vehicular access must be formed at right angles to Burywater Lane, as shown on Drawing No. SK07 Rev A. The access must include:

- Minimum 6 metre carriageway width with minimum radii of 6 metres
- Visibility splays with dimensions of 2.4 metres by 25 metres to the west and 2.4 metres by 25 metres with a 1 metre offset to the east, as measured from and along the nearside edge of the carriageway, with no obstruction above 600mm.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles

using the road junction and those in the existing public highway, in 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 access is safe from its first use.

22. Prior to occupation of any dwelling, a pedestrian crossing point across Burywater Lane, at the junction with Cambridge Road, must be provided in accordance with Drawing Nos. SK10, SK11, and SK12. The crossing must include:

- the extension of the footway
- dropped kerb crossing points (with appropriate tactile paving if necessary)
- visibility splays of 1 metre by 25 metres, as shown on DWG no's SK10, retained free of obstruction above 600mm.

REASON: In the interest of highway safety and accessibility, 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 safe pedestrian access for all residents, beginning with the first occupant(s).

23. One dwelling (i.e. 5% of the total number of dwellings) must be built in accordance with Requirement M4(3) (Wheelchair user dwellings - adaptable) 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.

24. Each dwelling must be provided with its vehicle parking area, as shown on Drawing No. 093-020 Rev X, prior to its occupation.

REASON: To prevent hazardous on-street parking, 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 each vehicle parking area is properly completed before its first use.

25. 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.

26. Each dwelling hereby permitted must be provided with a fully-wired and operational electric vehicle charging point prior to its occupation.

REASON: To minimise air pollution, 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 provision for electric vehicles at each dwelling before its first occupation.

27. No external lighting shall be installed for the existing and proposed artificial grass pitches, other than in accordance with the lighting details contained within the submitted Lighting Statement (Paul Hawkins Development, November 2017) and the associated Drawing No. JFA03r4.

REASON: To protect residential amenity, in accordance with Policy GEN4 and Policy GEN5 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

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

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

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

The assessment must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11".

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

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

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

29. The development must be carried out in accordance with the ecological

measures and/or works recommended in the submitted Biodiversity Statement & Mitigation Plan (Landscape Planning Ltd, March 2018).

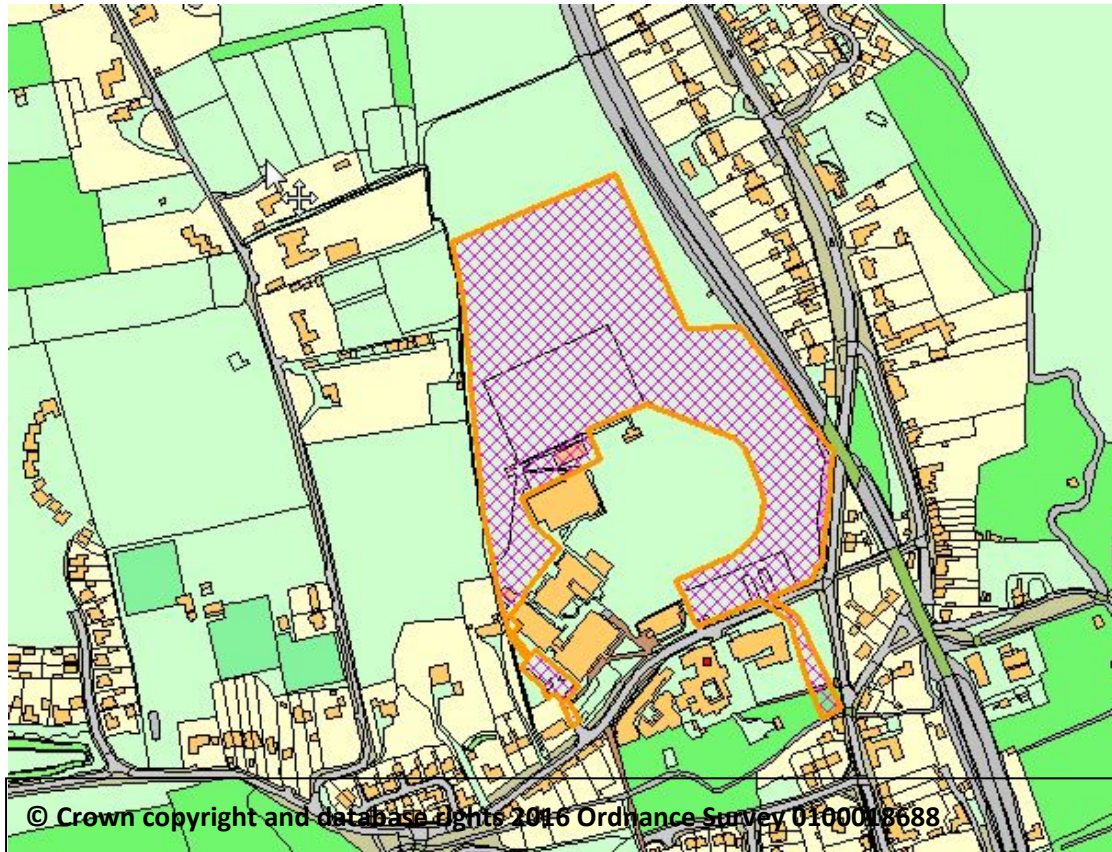
REASON: To conserve and enhance biodiversity, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

Appendix: Accommodation Schedule

Plot	Bedrooms	Garden size standard (sq m)	Garden size (sq m)	Parking space standard	Parking spaces
1 (B2)	3	100	147	2	2
2 (B2)	3	100	145	2	2
3 (C1)	3	100	168	2	2
4 (C1)	3	100	171	2	2
5 (C2)	4	100	428	3	3
6 (C2)	4	100	481	3	3
7 (C2)	4	100	288	3	3
8 (C2)	4	100	195	3	3
9 (B2)	3	100	261	2	2
10 (B2)	3	100	279	2	2
11 (B2)	3	100	303	2	2
12 (B2)	3	100	313	2	2
13 (A1)	2	50	82	2	2
14 (A2)	2	50	83	2	2
15 (A2)	2	50	148	2	2
16 (A2)	2	50	111	2	2
17 (A2)	2	50	102	2	2
18 (B1)	3	100	116	2	2
19 (B2)	3	100	196	2	2
20 (B2)	3	100	163	2	2
21 (C1)	3	100	204	2	2
22 (C1)	3	100	197	2	2
23 (C2)	4	100	233	3	3
24 (C2)	4	100	190	3	3
Visitors	-	-	-	6	6

Application: UTT/18/0739/FUL

Address: The Joyce Frankland Academy, Cambridge Road, Newport, CB11
3TR



Organisation: Uttlesford District Council

Department: Planning

Date: 02/11/2018

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UTT/18/1993/FUL - (STANSTED)

(Major)

(Deferred on the 24th October 2018 to Review Proposed Pedestrian Crossing)

PROPOSAL: **Redevelopment of site to provide 35 no. dwellings with associated garages, drainage infrastructure, landscaping and parking including the creation of new vehicular access from High Lane and additional footpath access points from Cambridge Road and High Lane.**

LOCATION: **Land To The West Of High Lane, Stansted**

APPLICANT: **Bloor Homes**

AGENT: **Pegasus Group**

EXPIRY DATE: **5th December 2018**

CASE OFFICER: **Chris Tyler**

1. NOTATION

- 1.1 Outside Development Limits, airport safeguarding, within 2km SSSI, Flood Zone 2 and 3.

2. DESCRIPTION OF SITE

- 2.1 The application site is separated into two parcels of land. The site is located off east and west of High Lane in the parish of Stansted Mountfitchet. The application site covers 1.55ha and is currently arable fields with no existing buildings. Access to the site is via a gap in the hedgerow off High Lane and the site most eastern corner. The larger site is bounded by High Lane to the east and the B1383 Cambridge Road to the west. To the south of the site is a Catholic Church. Also, included in the application site is a smaller triangle piece of land directly to the east of High Lane.
- 2.2 To the north of the site is a drainage ditch recently constructed during the construction of Walpole Farm on the neighbouring residential site. The south of the site slopes down towards the north of the site, also the western boundary along Cambridge Road slopes down to High Lane.

3. PROPOSAL

- 3.1 This full planning application is for the development of the site to provide 35 dwellings with associated garages, drainage, landscaping and parking. The proposal includes the introduction of a new pedestrian access points from Cambridge Road and High Lane, with the vehicular access taken from High Lane.

- 3.2 The layout plan demonstrates a mix of:

4 x 1 bed

20 x 2 bed
7 x 3 bed
4 x 4 bed

The mix includes a mix of bungalows, semi-detached and detached properties.

3.3 Forty percent (14 units) affordable housing is proposed and this includes:

4 x 1 bed
6 x 2 bed
4 x 3 bed

The affordable housing would be provided as a single bungalow and a mixture of two-storey dwellings.

3.4 All dwellings consist of private amenity space, consistent with the Essex Design Guide.

3.5 Road access is provided along High Lane, with further pedestrian accesses provided along High Lane and Cambridge Road.

3.6 As part of the application the site to the east of High Lane is allocated for drainage infrastructure and includes a Sustainable Urban Drainage System.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 Town and Country Planning (Environmental Assessment):

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

And

Human Rights Act considerations:

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

5. APPLICANT'S CASE

5.1 The application is supported with the following accompanying documents:

- Design and access statement
- Flood risk assessment
- Landscape and visual assessment
- Energy statement
- Planning statement
- Ecology appraisal
- Transport statement
- Noise assessment
- Arboriculture impact assessment

6. RELEVANT SITE HISTORY

6.1 There are no previous planning applications linked to this site. However, the neighbouring residential development to the west of Cambridge Road is a material

consideration.

UTT/13/1618/OP - Outline application for redevelopment of land to provide approximately 160 dwelling houses, up to 600 square metres of commercial (B1) floorspace, approximately 0.45ha reserved for educational uses, seven full size allotments, paddock and community woodland area with associated open space, landscaping, access, parking and drainage – Granted 1 April 2014

7. POLICIES

7.1 National Policies

7.2 National Planning Policy Framework (2018)

7.3 **Uttlesford Local Plan (2005)**

Policy S1 – Development limits for Main Urban Areas

Policy S7 - The Countryside

Policy GEN1 – Access

Policy GEN2 – Design

Policy GEN3 – Flood Protection

Policy GEN4 – Good Neighbourliness

Policy GEN6 - Infrastructure Provision to Support Development

Policy GEN7 - Nature Conservation

Policy GEN8 - Vehicle Parking Standards

Policy ENV1 – Design of Development within Conservation Areas

Policy ENV5 – Protection of Agricultural Land

Policy ENV11- Noise Generators

Policy ENV12 – Protection of Water Resources

Policy ENV15- Renewable Energy

Policy H9 - Affordable Housing

Policy H10 - Housing Mix

7.4 **Supplementary Planning Documents/Guidance**

SPD “Accessible Homes and Playspace”

Essex Design Guide

ECC Parking Standards: Design and Good Practice (2009)

UDC Residential Parking Standards (2013)

7.5 **Stansted Mountfitchet Community Plan (2011)**

The document identified that Stansted has enlarged over the years and states that any further attempts to significantly enlarge Stansted would be resisted.

8. PARISH COUNCIL COMMENTS

8.1 Stansted Parish Council (Dated 13th August 2013):

This detailed application has now been considered by the Council. Members were agreed that the principle of development on this site was agreed by the Parish Council and the Neighbourhood Development Plan group. However, the detail and layout of the application is inadequate and it cannot therefore be supported. After much discussion, members agreed to make the following points to be borne in mind if the plan is amended or if the planning committee is minded to grant permission

- a) Off-site footpath links - ask that the developers be required to work with the landowner of the land to the east to create a new footpath alongside the Ugley Brook to join to the informal path running along the southern boundary of the Aubrey Buxton Nature Reserve
- b) A zebra crossing should be installed on the B1383 Cambridge Road to enable safe pedestrian access between this site and the larger site to the west of the main road as that is where community facilities are provided. In addition, the footway from the junction with High Lane south to the junction with Five Acres needs to be widened (by removing the narrow grass strip) to complete the pedestrian links to Cambridge Road services.
- c) The step access on the eastern side from the development to High Lane should be avoided if possible. This could be achieved by re-routing it through the eastern side of the self-build plot and out onto the access road to the church.
- d) The amount of public open space is insufficient and it should be centrally located.
- e) About 50% of the proposed dwellings have tandem parking which is not acceptable and visitor parking needs to be spread throughout the site. In order to achieve d) above and a proper parking layout, it may be necessary to reduce the number of dwellings on the site.
- f) We would like to see the affordable housing element gifted to a CLT.
- g) Seek absolute assurance from the Environment Agency that the proposals for the flood attenuation system will work given the change in ground levels along the length of High Lane. Who will maintain this area?
- h) Query the number of Waste Collection Points and how realistic this system is.
- i) The site as a whole is not future-proofed for the purposes of the residents and does not meet the concept of Lifetime Homes.
- j) Grit/salt bins need to be provided for vehicular and pedestrian routes/steps.
- k) Traffic calming measures to be provided for High Lane.
- l) There are a number of community assets located at the northern end of the site, eg the village Knight Sign, a commemorative seat and tree. Seek a condition requiring the developers to relocate (at their own expense) these items to a more suitable location should the Parish Council consider this action to be necessary, and to replace any which may be damaged as a result of that process.
- m) Seek relocation of the bus stops on the B1383 to more suitable locations.
- n) Seek financial contribution of ten thousand pounds for access for all-weather paths to be created at the Aubrey Buxton Nature Reserve.
- o) Seek donation to the new pavilion for the Stansted Hall and Elsenham Cricket Club.
- p) Seek wheel-washing condition for all construction vehicles and regular road sweeping.

9.0 **CONSULTATIONS**

9.1 **UDC Environmental Health**

9.2 No Objections

9.3 A noise assessment and a geo-environmental assessment have been undertaken and have been submitted with the application. Both suggest that the site is suitable for residential development subject to some mitigation works. These are discussed in more detail below.

9.4 In terms of Air Quality, the site does not appear to be located in an AQMA and is not a large scale residential development. As such it would not be classed as a major development in terms of air quality impacts and no air quality assessment has been submitted for the application. Whilst it may not be appropriate to request an assessment or large scale air quality mitigation works, depending on local policy it may be reasonable to expect contributions to more sustainable travel through the provision of electric vehicle charging points etc.

9.5 Land Contamination:

A combined Phase I Desk Top Study & Phase II Intrusive Site Investigation have been undertaken by Harrison Geotechnical Engineering. This has identified two elevated samples for Arsenic on site which exceed the S4UL General Assessment Criteria for arsenic. No other evidence of elevated contamination levels or exceedances were identified for a range of organic and inorganic contaminants across the site.

9.6 The consultants have then sought to explain that the S4UL screening criteria are very conservative in their derivation, and that there is European Research from the Bioaccessibility Research Group of Europe (BARGE) which focusses on the bioaccessibility of certain contaminants, including arsenic, that suggests higher screening levels would be more appropriate when considering human risk assessment. Although this is an unusual approach, it should also be noted that there are naturally occurring levels of arsenic commonly found in soils that can exceed the S4UL screening values. It is therefore not considered that the elevated concentrations found in the two samples should be seen as a barrier to development, subject to appropriate remediation of the localised hotspots identified on site.

9.7 The geo environmental report also identified elevated levels of ground gases and as such, gas protection measures may be required in the design and construction of the houses to be built on site.

9.8 It is therefore recommended that the following condition is attached to any consent granted for the development to require a remediation strategy to address the localised elevated arsenic concentrations as “hotspots”, and to confirm the gas protection measures to be incorporated in the dwellings to be constructed on site:

Conditions

9.9 Contaminated Land Remediation

No development approved by this permission shall take place until a Phase 3 Remediation Strategy, to address the contamination risks identified in the Harrison Geotechnical Engineering Site Investigation Report dated April 2018 (Ref: GC21474), has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action should areas of unexpected contamination be identified.

9.10 Contaminated Land Validation

Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

9.11 Noise

No development shall take place until a scheme for protecting the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the local planning authority. The scheme shall follow the recommendations identified in the Ardent Consulting Engineers Noise Assessment Report (Ref: 182790-01A) dated July 2018. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

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

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise, air quality and dust, light and odour.

9.13 **SUDS**

9.14 Having reviewed the flood risk assessment and the associated documents which accompanied the planning application, acting on behalf of ECC we do not object to the granting of planning permission based on the following conditions:

9.15 Condition 1- No works shall take place until the following, as part of the detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. 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. Details of how contamination of groundwater can be mitigated, particularly the risk through the pond, as it located within groundwater source protection zone.

9.16 Condition 2- no works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water runoff and groundwater during construction works and to prevent pollution has been submitted and approved in writing by the local planning authority. The scheme shall subsequently be implemented as approved.

9.17 Condition 3- No works shall take place until a maintenance Plan detailing the arrangement of who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing, by the LPA. If any part of the maintenance is by a maintenance company 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 request by the LPA.

9.18 **The Environment Agency**

9.19 The proposed development has been reviewed, it is concluded that because the foul drainage is connecting to a main sewer and the dwellings are not in Flood Zones 3, we would have no objection to the application and no further comments to add.

9.20 **ECC Ecology**

9.21 No objection subject to securing biodiversity mitigation and enhancement measures. Summary

9.22 Recommended conditions

All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report sections 5 and 6 (Southern Ecological Solutions, July 2018) and the Badger Survey (Southern Ecological Solutions, August 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes bat sensitive lighting, planting which enhances the environment for bats, installation of bat boxes, due diligence regarding nesting birds, due diligence for hedgehogs when undertaking vegetation clearance, creation of hedgehog habitat, permeable boundaries for hedgehogs, retain boundary trees and hedgerows, covering of trenches at night, storing of chemicals in sealed compounds, demarcation of a 20m exclusion zone around setts, plantings to include grassland and fruiting trees to increase forage for badgers.

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.

2. SUBMISSION OF A COPY OF THE EPS LICENCE FOR BADGERS

The following works to redevelop Land To The West Of High Lane Stansted shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
- 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 conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

3. BIODIVERSITY ENHANCEMENT LAYOUT

A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal Report sections 5 and 6 (Southern Ecological Solutions, July 2018) and the Badger Survey (Southern Ecological Solutions, August 2018) shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species)

9.23 **ECC Archaeology**

9.24 The proposed development has been assessed in regards to archaeological features, the following conditions are recommended.

No development or groundworks shall commence until an archaeological programme of trial trenching and excavation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted to and approved in writing by the LPA.

Reason: The historic environmental record indicates that the proposed development site lies on the opposite side of the road from sensitive area of archaeological assets.

9.25 **Aerodrome Safeguarding**

9.26 Initial Holding Objection received, subsequently further information has been submitted.

Thank you for supplying this information; if the pond is designed to be dry, holding water only after rainfall and with a quick draw down time then this will reduce any potential attractant to hazardous species of birds. Ideally a dry basin would drain in under three days for a 100 year storm event. However, 80 hours will not result in a significant attractant beyond that available in the wider environment. Therefore, I am content to withdraw our objection.

9.27 **Thames Water**

9.28 Thames Water would advise that with regards to waste water networks and waste water process infrastructure capacity, we would not have any objections to the above planning application, based on the information provided.

The application indicates that surface water will not be discharged to the public network and as such Thames Water has no objections.

9.29 **Essex Police- Crime Prevention**

9.30 We are pleased to see a section within the design and access statement in regards to crime prevention. We still welcome the opportunity to consult further with the developer to assist with the compliance with approved document Q.

9.31 **Essex County Council- Infrastructure Planning Officer**

9.32 The proposed development of this scale can expect to generate the need for up to 2.79 early years and childcare places, 9.30 primary school, and 6.20 secondary school places. If the development is approved there would be the need for additional school places, the formula for infrastructure contribution is calculated as outlined in the developer guide to infrastructure contributions. Based on the demand generated by this proposal as set out above, a developer contribution of £142,113.00 is sought to mitigate on local school provision.

9.33 **Highways Authority**

9.34 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following measures:

1. Prior to occupation of any dwelling, the provision of an access formed at right angles to High Lane, as shown in principle on drawing no. E3724/100/C (dated 27/02/2017) to include but not limited to: minimum 5.5 metre carriageway width with minimum radii of 6 metres, two 2 metre footways, pedestrian crossing points, relocation of footway and guard railing to the north of the access and clear to ground visibility splays with dimensions of 2.4 metres by 70 metres to the north and 2.4 metres by 133 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall retained free of any obstruction at all times.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety.

2. The existing footway along Cambridge Road between Five Acres and roundabout at the junction with High Lane shall be widened to a minimum of 2 metres for the entire length.

Reason: In the interests of pedestrian safety and accessibility.

3. The pedestrian links, as indicated on drawing no. P18-0133_01 (Rev N) as Path 1, Path 2 and Path 3, shall be constructed to a minimum width of 2 metres.

Reason: In the interests of accessibility.

4. The internal visibility splays and layout shall be provided as indicated on DWG no. P18-0133_01 Rev N. The visibility splays shall remain free from obstruction at all times. Reason: To ensure adequate visibility is provided, in this interest of highway safety and efficiency.

5. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:

- i. Safe access into the site;
- ii. The parking of vehicles of site operatives and visitors;

- iii. Loading and unloading of plant and materials;
- iv. Storage of plant and materials used in constructing the development;
- v. Wheel and underbody washing facilities.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

6. No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times. Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided.

7. 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.

8. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

9.35 **Highways Authority (Additional)**

The Highway Authority would not support the introduction of a pedestrian crossing along Cambridge Road.

This decision is based partially on the criteria that Essex County Council have in place for the assessment of pedestrian crossing requests and for practical reasons.

Essex County Council crossing criteria

Crossings are only provided where there are sufficient numbers of pedestrians and vehicles to meet the County's guidance. This is measured as PV2 (where P = Pedestrians numbers and V = Vehicle numbers). This is a formula that is applied by the engineers once they have the pedestrian and vehicle data for the site.

A vehicle survey and pedestrian count have not taken place to allow the formal calculation to be made but based on the experience of officers and lack of a desire line/attractors at the proposed locations the number of pedestrians wishing to cross

Cambridge Road would be very low.

Practical matters

Traffic speeds are anticipated to be over 35mph at the proposed crossing locations on Cambridge Road, and therefore a zebra crossing would not be appropriate at these locations. Signal-controlled crossings are normally the only option on high-speed roads (40mph and above) and could cost in-excess of £140,000.00

Furthermore from a practical viewpoint there is no footway provision on the western side of Cambridge Road and it is unlikely that a footway can be provided within the limits of public highway. The scheme would therefore likely be dependent on the acquisition of third party land.

The Highway Authority would not support the provision of a pedestrian crossing point and do not believe that it is necessary to make the proposed development acceptable in planning terms.

It is expected that the vast majority of pedestrians from the proposed development would walk south along Cambridge Road or High Lane, to access public transport and local services.

Suitable pedestrian crossing facilities are available near the proposed development at the new roundabout serving the Walpole Farm development. It is worthy of note that the Transport Assessment accompanying the Walpole Farm development suggested that pedestrian movement between Walpole Farm and local services and facilities would be made via Poulteney Road, Rainsford Road and Croasdaile Road and not via Cambridge Road.

9.36 **UDC Landscape Officer**

9.37 The proposal site is a broadly triangular arable field bound High Lane to the east and the Cambridge Road to the west, to the south is the site of St. Theresa of Lisieux Roman Catholic Church. Mature field hedges and trees mark the boundaries. The site relatively gently slopes down the valley side some 10m+ from the high ground in the south to the valley bottom in the north.

9.38 Development on this site would introduce built forms on the valley side, which is not considered visually desirable and would to some degree compound the detrimental visual intrusion into the open countryside which has occurred with the residential development presently under construction at the Walpole Farm site to the north west. It is acknowledged that the proposal site is identified as a residential allocation site in the emerging Local Plan (Regulation 19). Six units are proposed to be 2.5 storeys and it is considered that in order to reduce the visual impact of the development that the height of buildings should not exceed 2 storeys.

9.39 Any approval should be subject to a fully detailed scheme of soft and hard landscaping, means of enclosure, and protective measures for trees and hedges to be retained.

9.40 **UDC Housing Officer**

9.41 It is confirmed the affordable mix of housing is acceptable.

10 **REPRESENTATIONS**

10.1 The neighbouring properties have been consulted of the application. The scheme has been advertised on site and within the local press.

A total of 6 letters of objections have been received, this includes the following:

- The site includes a plot to the east of high lane that will promote further development;
- Congestion;
- Highway safety;
- Amend speed limits;
- The proposal will result in criminal activity;
- Lack of visitor parking;
- Poor Parking Layout;
- Flooding;
- Drainage;
- Lack of open space;
- The development is high density;
- Impact on rural landscape;
- Change in local character;
- Loss of agricultural land;
- Urban sprawl;
- Pollution;
- Inappropriate accessible access;
- Construction disruption;
- The maintenance of the proposed drainage;
- Impact to Biodiversity and protected species

10.2 Summary of representations:

The representations received (objectors) are in the main focused on what is considered to be an inappropriate development of the site, the proposed dwellings will result in an intensification through dwelling net gain and serious impacts on the character of the site, highway safety/inappropriate access arrangements. Further objection relate to flooding and the impact to biodiversity and protected species.

10.3 A number of objectors highlight that Policy S7 sets out that the 'countryside should be protected for its own sake'. As Uttlesford's own Compatibility Assessment (September 2012) recognises, the 2012 NPPF (and now the 2018 NPPF) set out that whilst decisions should recognise the intrinsic character and beauty of the countryside, national policy does not include protection for its own sake. The NPPF takes a positive approach, rather than a protective one to development in the countryside, supporting development in sustainable locations.

10.4 In regards to the comments made by the Parish Council the following table considers point by point the comments submitted and whether the proposed planning obligations are considered appropriate.

10.5 Paragraph 56 of the NPPF advises that:
Planning obligations must only be sought where they meet all of the following tests:
a) necessary to make the development acceptable in planning terms;
b) directly related to the development; and
c) fairly and reasonably related in scale and kind to the development.
The parish council requests have been tested against these.

Parish Council Comments	Consideration
<p>Off-site footpath links - ask that the developers be required to work with the landowner of the land to the east to create a new footpath alongside the Ugley Brook to join to the informal path running along the southern boundary of the Aubrey Buxton Nature Reserve.</p>	<p>Necessary – The proposal has been designed to link into the existing footpath network and supplements these with new links through the site. It is well-connected to the wider area and therefore does not generate a requirement for off-site footpath link.</p> <p>Directly related – The requested links are off-site and are not directly related to the proposal. Furthermore, the developer does not have control over third party land and therefore the deliverability of such a footpath cannot be guaranteed.</p> <p>Fair and reasonable – the requirement to deliver a link across third party land is neither fair nor reasonable. Furthermore, the scale of this requirement is disproportionate to the scale of the development.</p> <p>This requirement is considered to fail all three tests.</p>
<p>A zebra crossing should be installed on the B1383 Cambridge Road to enable safe pedestrian access between this site and the larger site to the west of the main road as that is where community facilities are provided.</p> <p>In addition, the footway from the junction with High Lane south to the junction with Five Acres needs to be widened (by removing the narrow grass strip) to complete the pedestrian links to Cambridge Road services.</p>	<p><u>Crossing</u> A crossing has already been provided at the new roundabout junction of Walpole Farm on the south side of the roundabout and close to the site boundary. This has recently been the subject of a Road Safety Audit and has passed.</p> <p>Discussions with the highway authority have revealed a lack of support for either a zebra crossing or a signalised crossing as it is not needed and fails the design criteria for the location of such features. As a consequence, the request is unnecessary and is neither fair nor reasonable.</p> <p>It is worthy of note that there is not a pedestrian footpath to the west of Cambridge Road and much of the land is set on an incline. Therefore, the provision of a crossing further along Cambridge Road is unachievable without</p>

	<p>significant engineering works further increasing the disproportionate scale of the request relative to the proposal.</p> <p>The request is considered to fail 2 of the 3 tests.</p> <p><u>Footway widening</u> The footway widening is an existing aspiration of the County Council and therefore is not directly related to the development. A footway link already exists along Cambridge Road as does a route along High Lane. The widening of the Cambridge Road footway is therefore unnecessary. The proposal relates to 35 units and therefore the widening of the footway cannot be said to be fairly and reasonably related to the scale of the development. This request is therefore considered to fail all three tests.</p>
<p>The step access on the eastern side from the development to High Lane should be avoided if possible. This could be achieved by re-routing it through the eastern side of the self-build plot and out onto the access road to the church</p>	<p>A level access route is provided through the site for those with mobility issues. The stepped access is therefore an additional access rather than the only access. The removal of the steps would necessitate the removal of significant lengths of the boundary hedgerow or involve significant land take within the site to such a point that it would nullify the benefit of any permission. A ramped access would also be a significant feature on the landscape and conflict with the Neighbourhood Plan aspirations of retaining the rural setting of this entrance to the village.</p> <p>The land levels are such that re-routing the path in the location suggested would not overcome the issues identified above.</p> <p>Furthermore, as the stepped access is a secondary access it is unnecessary to insist on an alternative solution. As stated there is a foot path along this part of the highway and it is agreed it could be improved, however this is a functioning footpath that many people</p>

	are using daily and therefore it would be unreasonable for the applicant to improve this, and also it is not a necessary factor in the context of the proposed development.
The amount of public open space is insufficient and it should be centrally located.	The scale of the proposal does not generate a need for on-site public open space and is close to new provision at nearby Walpole Meadows. There is no planning justification for such a request and for that reason it fails all 3 tests.
About 50% of the proposed dwellings have tandem parking which is not acceptable and visitor parking needs to be spread throughout the site. In order to achieve d) above and a proper parking layout, it may be necessary to reduce the number of dwellings on the site.	There is tandem parking within the site, however this is consistent with other residential developments. Tandem Parking is acceptable on-plot, within the curtilage of a dwelling but should be discouraged in areas which offer general access, e.g. parking courts, The provision of tandem parking reduces the uptake of spaces, often used instead for bin storage in rear parking courts, and their provision encourages on-street parking.
We would like to see the affordable housing element gifted to a CLT.	The legal agreement is being drafted to provide the opportunity for UDC to deliver the affordable housing should it choose to do so in the future. There is no justification to require the use of a CLT to deliver this facility
Seek absolute assurance from the Environment Agency that the proposals for the flood attenuation system will work given the change in ground levels along the length of High Lane. Who will maintain this area?	No objections have been made by the Environment Agency. Also covered by conditions 6, 7 and 8, which require the submission of further information including maintenance arrangements
Query the number of Waste Collection Points and how realistic this system is.	A refuge and waste strategy has been provided, for the scale of the site it is considered appropriate.
The site as a whole is not future-proofed	LTH has been replaced by part M of the

for the purposes of the residents and does not meet the concept of Lifetime Homes.	Building Regulations. The design of the proposal complies with these requirements that form part of the approved plans
Grit/salt bins need to be provided for vehicular and pedestrian routes/steps.	The majority of the site is to be adopted by the Highway Authority and therefore if required for the scale of the site this may be provided in the future.
Traffic calming measures to be provided for High Lane.	No objections have been made by the Highway Authority in regards to Highway Safety. Such a request therefore fails all 3 tests.
There are a number of community assets located at the northern end of the site, eg the village Knight Sign, a commemorative seat and tree. Seek a condition requiring the developers to relocate (at their own expense) these items to a more suitable location should the Parish Council consider this action to be necessary, and to replace any which may be damaged as a result of that process.	The proposal does not disrupt this area and therefore the request is not directly related to the proposal, is unnecessary and is not fairly or reasonably related to the scale of the proposal.
Seek relocation of the bus stops on the B1383 to more suitable locations.	The bus stops have been provided in accordance with the requirements of the highway authority through the s278 process. This request is therefore unnecessary and not directly related to the development. It would also fail the test of being fairly and reasonably related to the scale of the proposal. As such, this request fails all 3 tests.
Seek financial contribution of ten thousand pounds for access for all-weather paths to be created at the Aubrey Buxton Nature Reserve.	The nature reserve is a significant distance from the application there is no direct link to the proposed development. This request is not directly related to the development and is not necessary to make the development acceptable. It would also fail the test of being fairly and reasonably related to the scale of the proposal. As such, this request fails all 3 tests.

Seek donation to the new pavilion for the Stansted Hall and Elsenham Cricket Club.	This request cannot be said to be directly related to the development and is not necessary to make the development acceptable. It would also fail the test of being fairly and reasonably related to the scale of the proposal. As such, this request fails all 3 tests. The requested contribution would result in disproportionate financial burden to the applicant and would fail the test of reasonableness.
Seek wheel-washing condition for all construction vehicles and regular road sweeping.	This is secured by proposed condition 5g.

10.6 In regards to the objections and comments made all material planning issues will be considered the following appraisal.

11 APPRAISAL

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

- A The principle of the development of this site for residential (ULP Policy S7,ENV13,ENV11, ENV2, ENV3,ENV4 and the NPPF)
- B Design (Layout and Parking) (ULP policies GEN2 and GEN8)
- C Access (ULP Policy GEN1).
- D Affordable Housing, Education Contributions, Housing Mix (ULP Policies H9, H10 GEN6)
- E Protected species and biodiversity (ULP Policy GEN7);
- F Flood Risk and drainage (ULP Policy GEN3; NPPF)
- G Impact on residential amenity (ULP Policies GEN2 and GEN4).
- H Other

A The principle of the development of this site for residential (ULP Policy S7,ENV13, ENV2,ENV3, ENV4 and the NPPF)

11.1 The scheme is for 35 residential units, of which 14 would be affordable and the remainder would be market housing. In policy terms the dwellings would be outside of the development limits of Stansted Mountfitchet as defined by Uttlesford's adopted Local Plan. Consequently for the purposes of planning, the site is considered to be within the Countryside and subject to all national and local policies.

11.2 The site is therefore subject to the provisions of Policy S7. Policy S7 is a policy of general restraint which seeks to restrict development to that which needs to take place there, or is appropriate to a rural area in order to protect the character of the countryside. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. This policy seeks to protect the rural area from inappropriate development

and permission will only be given for development which is appropriate to the rural area or needs to take place there. Permission will only be given for development which protects or enhances the character of the countryside in which it is set or there are special reasons why the development needs to be there. The proposal relates to a form of development which is inappropriate in a rural area and which does not need to take place there. The proposal is therefore contrary to Policy S7. A review of Policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas.

- 11.3 S70 (2) of the Town and Country Planning Act 1990 states that "*in dealing with a planning application the local planning authority shall have regard to the provisions of the Development Plan so far as is material to the application and to any other material considerations*". S38 (6) of the Planning and Compulsory Purchase Act 2004 states that "*if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.*" As such it considered the NPPF is a material consideration in the assessment of this development.
- 11.4 Notwithstanding the above, paragraph 78 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. While there is no published definition of 'isolated', it is considered that the PPG supports the view that housing sites should be within or adjacent existing settlements. The effect is to prevent sporadic development in the countryside, while supporting the growth of existing settlements of almost any size due to the associated economic and social benefits. As such it is considered although the development is outside of the development limits it will in fact support the growth of existing settlement.
- 11.5 Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes where five year housing supply cannot be delivered). As identified in the most recent housing trajectory document, Housing Trajectory 1 April 2018 (October 2018), the Council's housing land supply is currently 3.46 and 4.45 years supply. For the present time, the Council is therefore unable to demonstrate a deliverable 5 year supply of housing land.
- 11.6 This means that applications for sustainable development outside development limits will need to continue to be granted where appropriate to ensure the level of housing supply is robust and provides a continuous delivery of housing. Moreover, the proposal should be considered against the three strands of sustainable development including economic, social and environmental.
- 11.7 Economic: The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. In economic terms the proposal would have short term benefits to the local economy as a result of construction activity and additionally it would also support existing local services, as such there would be some positive economic benefit.
- 11.8 Social: The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The

proposal would make a contribution towards the delivery of the housing needed in the district, including provision of (40% affordable housing) 14 affordable housing units. Stansted Mountfitchet is considered a sustainable location with good services to other nearby towns and centres of employment.

The proposal would also have a negative impact by putting more strain on the local infrastructure and demand for school places; as such due consideration is made to whether the effects of the proposed development can be mitigated. While there may be some conflict with the NPPF in terms of sustainable transport modes, it is considered that the proposal accords with the more flexible approach within the NPPF. In conclusion, the proposal in the form proposed would not be in conflict paragraph 2 of the NPPF regarding the fact that is in a sustainable location and will contribute to the social role of sustainable development.

- 11.9 Environmental: The environmental role seeks to protect and enhance the natural, built and historic environment. The NPPF recognises the intrinsic character and beauty of the countryside. The site is tacked on to the existing settlement and is a wedge of land between two individual roads. The proposal would introduce an element of built form within the open countryside, which would have some impact on the character of the area. This impact would need to be weighed against the benefits.
- 11.10 The site forms part of an existing agricultural field and is bound by mature landscaping, at present the mature vegetation would preserve a harmful intrusion into the open countryside and any harm to the particular character of the countryside surrounding the site. The retention of a majority of the boundary trees line and hedging and new landscape proposals would help minimise the impact of the development on the character of the area.
- 11.11 A landscape and visual impact assessment has been submitted with the application landscape, making reference to Essex landscape characteristics and parameters landscape theory and methodology and also visual amenity appraisal. The conclusion from the findings of the report are as follows:
- 11.12 The Site does not lie within or near any land subject to a national or local statutory landscape designation. There are no public rights of way within the Site which are publicly accessible. There is a network of public right of way covering the wider area. The site is predominantly contained by vegetation including trees and hedgerow along its boundary. Only glimpsed views will be seen from the adjacent roads, with the topography and existing boundary vegetation restricting direct views of the built form. Views from the surrounding rural public rights of way will be similarly restricted, with glimpsed or partial views of the tops of built form visible as part of wider panoramic views from short sections of the routes. The proposed layout and existing vegetation has ensured a sensitive approach to the development allowing the proposals to be easily absorbed into the predominantly visually contained Site. Proposed tree planting throughout the development and along its boundaries has helped to enhance tree cover. With the additional proposed planting the sites biodiversity has a net gain. This landscape and visual impact assessment has considered potential effects relating to the Site and surrounding landscape and visual amenity. This has guided the progression of design mitigation measures which have been incorporated into the layout of the Site to limit potential effects identified within the assessment of landscape character, features and visual amenity.
- 11.13 The Council's Landscape Officer has been consulted; although no objection has

been received it is considered the development will result in some degree of visual intrusion. However, the site has been included in the emerging draft local plan for residential development, also the positioning of the development will be in close proximity to other new residential development (Walpole Farm) and the main settlement of Stansted Mountfitchet it is considered the proposed landscape and character of the site would be compatible with its surroundings.

- 11.14 In conclusion and with the imposition of conditions, it is considered that the residential development could be successfully accommodated within the site and surrounding landscape without unacceptable effects on the landscape character or visual amenity.
- 11.15 Representations have been received in respect of potential harm in respect of air pollution. Impact on air quality is closely related to highway capacity in terms of creating congestion, and geography of the local road network in terms of dispersion of emissions. The site is not in an area currently monitored for air quality (AQMA) and Environmental Health Officers have been consulted, who confirm that they are not concerned in respect of air quality issues and that they have no objections.
- 11.16 Additional traffic at the times of school opening and closing will make up a relatively small proportion of the total emission load when assessed over a 12 month period, which the annual mean based air quality objectives require. Users of the facilities can minimise the impact by adopting non car travel, particularly considering the site's sustainable location.
- 11.17 In respect of the development on the character and setting of nearby Listed Buildings. Policy ENV2 states: that development proposals that adversely affect the setting of a listed building will not be permitted. The nearest listed building is Walpole Farmhouse which is grade II Listed Buildings and 50m respectively from the application site's boundaries. In view of the separation distance there would be limited visual impact on the setting of the listed buildings.
- 11.18 This site very much nestles into the settlement and development here would not bring about any notable landscape or visual impact implications in the wider setting. This is a self-contained site, although to the east of the site is a separate parcel, of land this is designated for drainage infrastructure and with little if any relationship to the outlying landscape setting of Stansted Mountfitchet. Due to the close proximity with the historic settlement of Stansted Mountfitchet an archaeological programme of trial trenching followed by an open area excavation would be required. This can be achieved by appropriate conditions.
- 11.19 It is considered that the weight should be given to the requirement to provide a 5 year land supply and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7. The site is sustainable in terms of economic, social and environmental feature and therefore taking into account the benefits of the proposal it is considered that the principle of the development is acceptable.

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

- 11.20 All of the units would have private amenity spaces. The Essex Design Guide recommends that dwellings or 3 bedrooms or more should have private amenity spaces of 100sqm+ and 2 bedroom properties 50 sqm+. The gardens shown in the plans indicate that they would accord with the requirements of the

Essex Design Guide and each plot would have adequate private amenity space.

- 11.21 The proposed properties are a mixture of one, two, three, and four bedroom dwellings. The adopted Essex County Council parking standards require the provision for one parking space for a one 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. In accordance with Supplementary Planning Document – Accessible Homes and Playspace the proposed dwellings would need to be accessible and designed to Lifetime Homes Standards. Also, the proposal would need to comply with accessible and adaptable dwellings M4(2) of the Building Regulations.
- 11.22 As set out within the application each property would meet the required parking standards. A number of the parking spaces are in a tandem design this would be compatible with other large residential schemes which have been approved (Walpole Farm) and although not an ideal parking layout it does not give rise to any concerns regarding on-street parking. There is sufficient space for nine unallocated parking spaces within the development to provide visitors parking. Therefore, the proposals comply with Policy GEN8.
- 11.23 Refuge collection points have been demonstrated within the site, also the submission of a refuge tracking plan which actively demonstrates sufficient distance for refuge collection. This is considered an acceptable refuge scheme.
- 11.24 The applicant has indicated that they are prepared to enter into a S106 legal agreement in order to secure the provision and ongoing maintenance of the site and landscaping.
- 11.25 In regards to the design and appearance of the development, the dwelling will be of a traditional form and appearance that would be comparable to other local residential developments (Walpole Farm). The layout of the scheme ensures the properties will have sufficient private amenity space; this is contributed by the distance between properties and landscaping features. In regard to the surrounding character of the site the development will include the retention of the vast majority of trees and hedgerows which run around the site's perimeter and provide a high level of natural screening. Streets and areas of landscaping/open space benefit from high levels of natural surveillance from proposed dwellings. The dwellings are sensitively sited which would protect the amenity of neighbouring land uses. Based on a site area 1.55ha, the average net density of the proposed development equates to 23 dwellings per hectare (dph). The density allows for a range of dwellings across the site with varying sizes and tenures to be delivered whilst addressing the constraints of the site.
- 11.26 As shown on the submitted Building Heights Plan the proposed dwellings are predominantly 2 storeys in height with a small amount 2.5 storey dwellings proposed in key locations to provide distinctiveness in the street scene at lower ground levels. An element of single storey dwellings is also proposed in the form of bungalows. As such taking due consideration of the above it is considered the proposed development includes an acceptable design scheme and is in accordance with ULP Policy GEN2.

C Access (ULP Policy GEN1).

- 11.27 The application includes the formation of a new vehicular access road along High Lane, also two pedestrian accesses along Cambridge Road and a single pedestrian

access along High Lane.

- 11.28 Access is one of the main reasons for local representation against the submitted scheme. The application includes a transport statement (Wormald Burrows Partnership Limited July 2018); this concludes the proposed development access junction has ample capacity to accommodate the predicted flows along High Lane and the predicted generated flows in the horizon year five after the date of planning application. A new roundabout at the junction of B1383 Cambridge Road and High Lane, north of the development site is now in operation, it is considered to have ample spare capacity to accommodate the proposed development flows, committed development flows and the growth background flows.
- 11.29 The Highways Authority has been consulted and no objections have been made, a number of minor revisions have been made accommodate the new access points and to ensure the proposed development will not have a detrimental impact to Highway Safety. ECC Highways have carefully considered the revised information received from the applicant's highway consultants and are now satisfied that the existing access arrangement is suitable for the proposed development without causing a highway danger, as such the proposal is considered acceptable under ULP Policy GEN1.
- 11.30 In regards to introduction of a new pedestrian, this is not part of the proposed development as submitted in the planning application, however due to constraints of the existing highways that surround the site it is considered that the introduction of a proposed pedestrian crossing would not be supported by the Highway Authority.

Furthermore the transport statement included with the neighbouring residential development of Walpole Farm indicated that the main pedestrian link for the site will use the crossing at the new roundabout and pedestrian links along High Lane to enter the main central area of Stansted Mountfitchet. This was considered acceptable by the Highways Authority for the approved 140+ dwellings (UTT/15/2746/DFO). As such the proposed 35 dwellings considered in this application would also utilise this method of crossing Cambridge Road, the introduction of 35 dwellings would not result in such a significant increase that will result in a harmful intensification of use of the highway crossing at the roundabout.

D Affordable Housing, Education Contributions, Housing Mix (ULP Policies H9, H10, GEN6)

- 11.31 Affordable Housing:
Policy H9 states that the Council will seek to negotiate on a site for site basis an element of affordable housing of 40% of the total provision of housing. The Council commissioned a Strategic Housing Market Area Assessment which identified the need for affordable housing market type and tenure across the District. As a result of this the Council will require a specific mix per development proposal.
- 11.32 The site area is 1.5 hectares and as such a provision of 40% affordable housing is required. The proposal now includes 14 affordable units. The Housing Enabling Officer has confirmed that the proposed mix of affordable housing is acceptable. The affordable housing is integrated across the development; therefore it is considered the proposal accords with ULP Policy H10.
- 11.33 The housing mix and parking provision of the individual plots for this application is

as per the table below.

Plot	Bedrooms	Garden Size	Parking	Affordable
1	3	100sqm+	3	
2	4	100sqm+	3	
3	4	100sqm+	3	
4	3	100sqm+	3	
5	2	50sqm +	2	
6	2	50sqm +	2	
7	4	100sqm+	3	
8	2	100sqm +	3	
9	2	100sqm +	3	
10	2	50sqm +	2	
11	2	50sqm +	2	
12	2	50sqm +	2	
13	3	100sqm +	3	
14	2	50sqm +	2	
15	2	50sqm +	2	
16	2	50sqm +	2	
17	2	50sqm +	2	Y
18	1(flat)	25sqm +	1	Y
19	1(flat)	25sqm +	1	Y
20	1(flat)	25sqm +	1	Y
21	1(flat)	25sqm +	1	Y
22	3	100sqm +	2	Y
23	4	100sqm +	3	
24	2	50sqm +	2	
25	2	50sqm +	2	
26	3	100sqm	2	Y
27	3	100sqm	2	Y
28	2	50sqm +	2	Y
29	2	50sqm +	2	Y
30	2	50sqm +	2	Y
31	2 (Bungalo w)	50sqm +	2	Y
32	2 (Bungalo w)	50sqm +	2	Y
33	2	50sqm +	2	Y
34	2	50sqm +	2	
35	2	50sqm +	2	

11.34 The applicant has indicated that they are prepared to enter into a Section 106 legal agreement to secure provision of the affordable housing. Subject to this agreement being completed, the proposal would comply with the requirements of Policy H9.

11.35 Education Contributions:

The proposed development is located within the Stansted Mountfitchet. According to Essex County Council's Infrastructure Planning Officer the proposed development of this scale can expect to generate the need for up to 2.79 early years and childcare places, 9.30 primary school, and 6.20 secondary school places. If the development is approved there would be the need for additional school places, the formula for infrastructure contribution is calculated as outlined in the developer guide to infrastructure contributions. Based on the demand generated by this proposal as set out above, a developer contribution of £142,113.00 is sought to mitigate on local school provision

- 11.36 The developer has indicated that they are prepared to enter into a Section 106 legal agreement to secure the payment of contributions towards education provision to mitigate the scheme. The proposal therefore subject to compliance with the s106 agreement requirements would comply with Policy GEN6.
- 11.37 It should be noted that the Parish Council's comments have been taken into consideration. However, the bulk of the requests are either not material or are considered disproportion to the size and scale of the scheme and in consideration of works which have been already undertaken as part of the neighbouring site. AS a result these would not be CIL complainant or in accordance with the NPPF.

E Protected species and biodiversity (ULP Policy GEN7 and ENV8)

- 11.38 Policy GEN7 and paragraph 174 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and 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. A protected species survey has been submitted with the planning application (Southern Ecological Solutions July 2018). The results of ecology surveys have been used to guide the layout to ensure minimal impact on ecological receptors. To adhere to planning policy and relevant wildlife legislation further works have been recommended for badgers.

The following precautionary methods should also be employed:

- Bat sensitive lighting should be used within the site to mitigate for any adverse effects upon boundary and sensitive habitats potentially of use to local bat populations;
 - Site clearance should be undertaken outside the bird nesting season (March to August inclusive) or immediately after an ecologist has confirmed the absence of nesting birds;
 - Clearance of scrub and boundary vegetation during autumn to avoid impacts on hedgehogs, and;
 - Retention and protection of boundary hedgerows and trees to industry standard.
- 11.39 It is predicted that any potential adverse impacts from the proposed development upon specific protected species/habitats can be mitigated in line with relevant wildlife legislation and planning policy. Essex County Council Ecologists have been consulted and have no objection subject to a condition regarding ecological measures.

11.40 As such it is considered the proposed development will not have a harmful impact on protected species or biodiversity and is in accordance with Policy GEN7 and the National Planning Policy Framework.

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

11.41 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.

11.42 The main residential development is located in flood zone 1 where development is considered appropriate. The subsequent site to the east of High lane which will include drainage infrastructure is within flood zones 2 and 3.

11.43 The application includes a Flood risk assessment (Wormald Burrows Partnership Limited December 2017), this concludes that, the majority of the site is located within Flood Zone 1. EA flood maps and the NPPF identifies that a site within Flood Zone 1 is suitable for residential development. To mitigate the risk of flooding for the small part of the site within flood zone 2/3 the layout and drainage infrastructure have been designed to ensure no houses or drainage sits within the flood zone.

11.44 ECC SUDS and The Environment agency have been consulted and have made no objections in regards to flooding and drainage subject to the imposition of conditions. The proposals subject to conditions would comply with Policy GEN3 and the NPPF.

G Impact on residential amenity (ULP Policies GEN2 and GEN4).

11.45 The indicative scheme submitted shows that the proposed dwellings as sited is unlikely to give rise to a significant loss of residential or visual amenity to adjacent residential occupiers situated to the immediate south of High Lane and to the west along Cambridge Road. The comments submitted in regards to construction noise and disturbance is noted, the use of a planning condition in regards to the storage and loading and unloading of construction goods could be imposed should planning permission be granted. Any noise from construction will not result in permanent issue and will be resolve on completion of the development.

H Other

11.46 In terms of archaeology, and contamination these matters are acceptable subject to conditions and therefore in accordance with Policies ENV4 and ENV12.

12. CONCLUSION

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

A It is considered that the weight to be given to the site's sustainable location and requirement to provide a 5 year land supply and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULPPolicy S7. Therefore the principle of the development is acceptable and fulfils the 3 strands of sustainability.

B The layout and design of the development is acceptable. No significant loss of residential amenity will arise from the proposals. The amenity areas and parking

provision are appropriate and the proposal complies with policies GEN2 and GEN8. The housing mix for the development is also acceptable (ULP Policy H10).

- C The means of access to the proposal site is considered acceptable, whilst the access arrangements would not give rise to a danger to highway safety (ULP Policy GEN1). Refuse arrangements would also be acceptable (ULP Policy GEN2).
- D The affordable housing mix and tenure split for the development is acceptable and complies with Policies H9 and GEN6.
- E The proposal would not be harmful to protected priority species subject to recommended mitigation and compensation measures (bats, hedgehogs) being conditioned and implemented (ULP Policy GEN7).
- F The proposal, subject to the imposition of planning condition will not result in any significant increase of flood risk and therefore complies with Policy GEN3 and the NPPF.
- G The indicative layout submitted shows that impacts on residential amenity are likely to be insignificant (ULP Policies GEN2 and GEN4).

RECOMMENDATION – APPROVAL WITH CONDITIONS SUBJECT TO A S106 LEGAL OBLIGATION.

(I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 30 November 2018 the freehold owner enters into a binding obligation to cover the matters set out below under S106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Finance, in which case he shall be authorised to conclude such an obligation to secure the following:

- (i) Provision of 40% affordable housing
- (ii) Payment of contributions towards Education Provision
- (iii) Management arrangements: the site will include areas of land that will require ongoing management and maintenance.
- (vi) Pay the Council's reasonable legal costs
- (vii) Pay the monitoring fee

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

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

- (i) No provision of affordable housing
- (ii) non-payment of contribution towards education provision.
- (iii) Management arrangements: the site will include areas of land that will require ongoing management and maintenance.

Conditions

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

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

2. Prior to the commencement of the development hereby approved a Phase 3 Remediation Strategy, to address the contamination risks identified in the Harrison Geotechnical Engineering Site Investigation Report dated April 2018 (Ref: GC21474), shall be submitted to and approved in writing by the Local Planning Authority.

The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action should areas of unexpected contamination be identified.

REASON: To protect human health and the environment and in accordance with ULP Policy ENV14.

3. Prior to the occupation of the development hereby approved a validation report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

REASON: To protect human health and the environment and in accordance with ULP Policy ENV14

4. No development shall take place until a scheme for protecting the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the local planning authority. The scheme shall follow the recommendations identified in the Ardent Consulting Engineers Noise Assessment Report (Ref: 182790-01A) dated July 2018

REASON: To protect the proposed residential dwelling in regards to noise generators and in accordance with Policy ENV11 of the Uttlesford Local Plan (adopted 2005)..

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

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours

- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise, air quality and dust, light and odour.

REASON: This pre-commencement condition is required to ensure there is a sufficient scheme for the appropriate loading/unloading facilities are available so that the highway is not obstructed during the construction period in the interest of highway safety, also to ensure there is not any significant impact or loss of amenity to neighbouring properties in accordance with ULP Policies GEN1, and GEN4.

6. Prior to the commencement of the development hereby approved a detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. This should include 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. Also, details of how contamination of groundwater can be mitigated, particularly the risk through the pond, as it located within groundwater source protection zone.

The development thereafter shall be carried out in strict accordance with these details and shall not be changed without prior written approval from the Local Planning Authority.

REASON: To ensure the has a sufficient drainage scheme and to reduce the impact of flooding on the proposed development, future occupants and third party properties during extreme events in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005).

7. Prior to the commencement of the development hereby approved a scheme to minimise the risk of offsite flooding caused by surface water runoff and groundwater during construction works and to prevent pollution shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented as approved and not changed without prior written approval of the Local Planning Authority.

REASON: To ensure the has a sufficient drainage scheme and to reduce the impact of flooding on the proposed development, future occupants and third party properties during extreme events in accordance with Uttlesford Local Plan Policy GEN3, adopted 2005.

8. Prior to the occupation of the development hereby approved a maintenance plan detailing the arrangement of who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies shall be submitted to and agreed in writing, by the Local Planning Authority. If any part of the maintenance is by a maintenance company 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 request by the Local Planning Authority.

REASON: To ensure the has a sufficient drainage scheme and management to reduce the impact of flooding on the proposed development, future occupants and third party properties during extreme events in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005).

9. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report Sections 5 and 6 (Southern Ecological Solutions, July 2018) and the Badger Survey (Southern Ecological Solutions, August 2018) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This includes bat sensitive lighting, planting which enhances the environment for bats, installation of bat boxes, due diligence regarding nesting birds, due diligence for hedgehogs when undertaking vegetation clearance, creation of hedgehog habitat, permeable boundaries for hedgehogs, retain boundary trees and hedgerows, covering of trenches at night, storing of chemicals in sealed compounds, demarcation of a 20m exclusion zone around setts, plantings to include grassland and fruiting trees to increase forage for badgers.

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and in accordance with ULP Policy GEN7 (adopted 2005).

10. Prior to the commencement of the development of the Local Planning Authority shall be provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
- 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 conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and in accordance with ULP Policy GEN7 (adopted 2005).

12. Prior to the development hereby permitted an archaeological programme of trial trenching and excavation shall be secured and undertaken in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: The historic environmental record indicates that the proposed development site lies on the opposite side of the road from sensitive area of archaeological assets in accordance with ULP Policy ENV4.

13. Prior to commencement of the development hereby approved, details of all hard and soft landscaping (including planting, hard surfaces and boundary treatment) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years

from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

REASON: The use of such pre commencement condition is required to ensure compatibility with the character of the area in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005), and to prevent highway safety issues relating to surface water runoff and loose materials in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

14. Prior to the commencement of the development tree protection measures for the trees to remain shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved protection measures, subsequently; the approved measures shall not be changed without the prior written consent of the local planning authority.

REASON: The use of such pre commencement condition is required to ensure the protection of the existing trees during the construction of the development in accordance with Local Plan Policies ENV3 of the Uttlesford Local Plan (adopted 2005)

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

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Uttlesford Local Plan Policies GEN2 and ENV1

16. First and second floor flank windows serving en-suites, landings, bathroom and dual secondary dual aspect windows shall be obscurely glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall thereafter be retained in that/those window(s).

REASON: To avoid overlooking of the adjacent property in the interests of residential amenity in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

17. Prior to occupation of any dwelling, the provision of an access formed at right angles to High Lane, as shown in principle on drawing no. E3724/100/C (dated 27/02/2017) to include but not limited to: minimum 5.5 metre carriageway width with minimum radii of 6 metres, two 2 metre footways, pedestrian crossing points, relocation of footway and guard railing to the north of the access and clear to ground visibility splays with dimensions of 2.4 metres by 70 metres to the north and 2.4 metres by 133 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall retained free of any obstruction at all times.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between and in accordance with ULP Policy GEN1 (adopted 2005).

18. The pedestrian links, as indicated on drawing no. P18-0133_01 (Rev N) as Path 1, Path 2 and Path 3, shall be constructed to a minimum width of 2 metres.

REASON: In the interests of accessibility and in accordance with ULP Policy GEN1 (adopted 2005).

19. The internal visibility splays and layout shall be provided as indicated on DWG no. P18-0133_01 Rev N. The visibility splays shall remain free from obstruction at all times.

REASON: To ensure adequate visibility is provided, in this interest of highway safety and efficiency and in accordance with ULP Policy GEN1

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

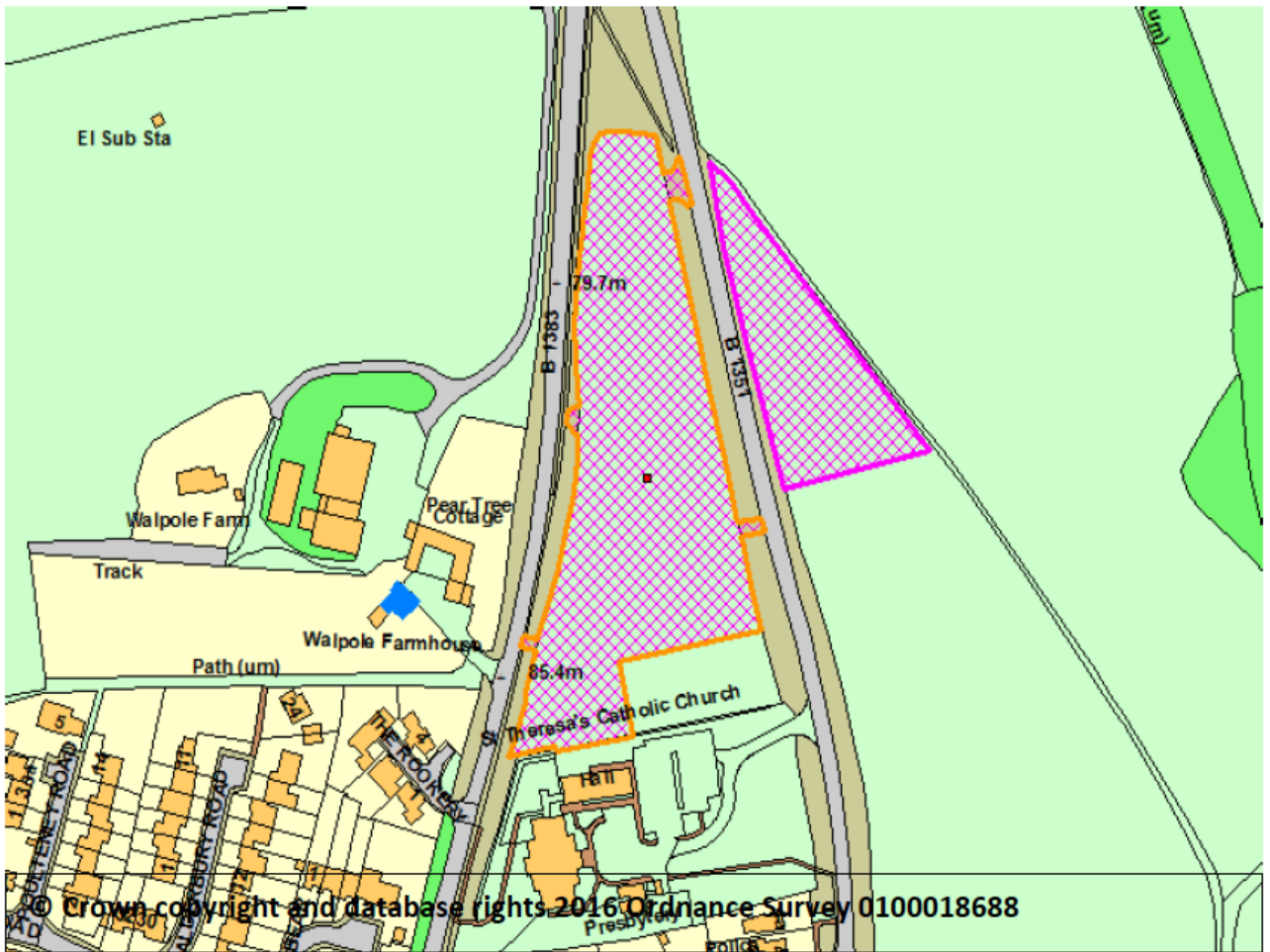
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with ULP policy GEN1,

ADDENDUM

The planning application was presented to the planning committee on the 24th October 2018 and was deferred to review the opportunities to provide an improved crossing facility on Cambridge Road, in the vicinity of the site. The intension is to report this progress back to the planning committee to consider whether the approval of the site should stand or whether a decision to refuse the scheme should be made.

Advice has been sought from the Highways Authority to whether the introduction of a pedestrian crossing would be appropriate. The comments received by the Highways Officer have been included in paragraph 9.35. Overall The Highway Authority would not support the provision of a pedestrian crossing point due to the constraints of the Highways and do not believe that it is necessary to make the proposed development acceptable in planning terms.

Furthermore paragraph 11.30 considers that the crossing at the new roundabout of Walpole Farm was considered acceptable by the Highway authority for 140+ dwellings (UTT/15/2746/DFO). As such the proposed 35 dwellings considered in this application would also utilise this method of crossing Cambridge Road, the introduction of 35 dwellings would not result in such a significant increase that will result in a harmful intensification of use of the highway crossing at the roundabout.



Organisation: Uttlesford District Council
Department: Planning
Date: 10 October 2018

UTT/ 18/2400/OP (FELSTED)

PROPOSAL:	Outline application with all matters reserved, except for access, for the erection of up to 30 no. dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping
LOCATION:	Land East And North Of Clifford Smith Drive, Watch House Green, Felsted
	Mr D. Payne
AGENT:	Mr C Loon
EXPIRY DATE:	27th November 2018
CASE OFFICER:	Mrs Madeleine Jones

1. NOTATION

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

2. DESCRIPTION OF SITE

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

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

2.9 The land is mainly grade 3 agricultural land.

3. PROPOSAL

3.1 Outline application with all matters reserved, except for access, for the erection of up to 30 no. dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping.

3.2 The indicative layout shows a mix of dwellings and it is proposed that they would be a range of dwellings from 1 bedroomed bungalow to five bedroomed houses. The indicative proposed mix is 3 x 5 beds, 6 x 4 beds, 12x3 beds, 7x 2 beds and 2 x 1 beds. Of these 40% would be affordable housing and would include one bungalow. The proposed density of the site is 10.5 dwellings per hectare.

3.3 It is proposed that three areas of the site would form public open space, one adjacent to the front boundary, one to the south eastern corner and one to the north eastern corner.

3.4 The drawings indicate a new footpath at the north eastern corner of the site which would provide a link to the existing FP 15.

3.5 An area adjacent to the site, beyond the hedging to the south eastern boundary is proposed for additional ecology mitigation.

3.6 The new vehicular access would be created off Clifford Smith Drive to the south of the site.

3.7 It is also intended that adult outdoor exercise equipment would be made available on the site

3.8 ENVIRONMENTAL IMPACT ASSESSMENT:

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

4. APPLICANT'S CASE

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

4.2 Further information has been submitted to address the previous reasons of refusal.

4.3 The main reason for refusal re UTT/18/0784/OP was that the development 'would adversely affect the rural character of the area', contrary to Policy S7. It would be useful to re-iterate the residential land uses adjacent the site which helps define character and that Clifford Smith Drive was approved by the LPA in a rural area

where Policy S7 applied. The impact on the local landscape character is also an important part of the 'rural character' consideration and paras 3.39 & 4.40 of the original Planning Statement August 2018 summarise key points in this respect which may be useful to cite. The site assessment and landscape appraisal would indicate that there would be no significant harm upon landscape character. If the Committee were to maintain refusal on character grounds the LPA would have to substantiate significant and demonstrable harm on character at appeal but it is not clear what evidence would support such negative judgement.

- 4.4 Whilst the revised application proposal has not altered, as part of the tilted planning balance consideration should be given to the "increased" policy support from NPPF2 (only the original NPPF was considered at the 1 Aug Committee) as per the policies set out at Chapter 5 of the Planning Statement, August 2018 e.g. NPPF2 paras 11, 59, 68, 73, 78 & 118(d). In particular I would highlight the support given to small/medium scale housing which can make an important contribution to housing supply and deliver quickly (para 68), the policy for locating housing in rural areas (para 78) and the policy for effective use of land (noting the site is merely scrubland in/adjacent a settlement) especially where it helps meet identified needs for housing (para 118d).
- 4.5 Following the end of the consultation period for the first Reg 19 Local Plan, it is clear that there has been little in the way of objection to the site's allocation (ref: FEL2) for approximately 30 dwellings, such that this emerging Plan has accrued a little more weight since the refusal on 1 August. I understand the council are intending to submit the Reg 22 Local Plan to Government by 24 Jan 2019. The direction of travel of this Plan is material and Members have to carefully consider whether the LPA will be deemed unreasonable at appeal in trying to defend refusal of this housing site, which its own emerging Local Plan has allocated. The LPA has carried out rigorous assessments to help justify the site as being sustainable and appropriate at this countryside location – implicitly housing is deemed acceptable to the local character. The SLAA Update (May 2018) indicates that the site (ref: 17FEL15) is highly ranked (Classification B), is suitable for development and "would reflect the recent development to the south", again addressing the 'rural character' issue. The Committee's refusal is effectively refusing the council's own assessments.
- 4.6 I am also informed that the Felsted N/Plan has been delayed due to a need to assess it under the HRA and that it would not reach potential adoption stage until Spring 2019 at the earliest. However, once the N/Plan is in place, the ability to achieve affordable housing and education infrastructure contributions will be extremely limited because its two housing allocations have to deliver a doctors surgery and large car park which will no doubt affect the viability of making affordable housing or education infrastructure provision. My clients scheme will deliver affordable housing (I understand there is still some unsatisfied local need, as part of UDC's wider affordable housing needs) and deliver a large financial contribution to help the primary school which has demountable classrooms (see para 4.14-4.19 of the Planning Statement August 2018). Hopefully the committee will see the benefits of such provision (with the s106 addressing reasons 2 and 3 of the previous refusal) in addition to all the other benefits of the application.

5. RELEVANT SITE HISTORY

- 5.1 DUN/0302/61 - Site for residential development. Refused
- 5.2 UTT/0892/90 - Construction of outside leisure facilities including lake for angling etc., 4 no tennis courts, bowling green, Approved with conditions.

- 5.3 UTT/0981/91 - Erection for indoor bowling facilities with ancillary parking and removal of four redundant farm buildings. Refused.
- 5.4 UTT/18/0784/OP - Outline application with all matters reserved, except for access, for the erection of up to 30 no. dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping. Refused by committee against planning officer's recommendation for conditional approval. Appeal pending

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford Local Plan (2005)

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

7. PARISH/TOWN COUNCIL COMMENTS

- 7.1 While recognising that this site is now included in the Regulation 19 Revised Draft of the Local Plan, Felsted PC remains firm in its opposition to this specific application. It is inappropriate for the reasons previously stated. It is also contrary to the emerging Felsted Neighbourhood Plan, which recognises the potential suitability of this site for exception housing.

8. CONSULTATIONS

ESSEX WILDLIFE TRUST

- 8.1 We have examined the ecological reports, including the Addendum to the GCN and Reptile Survey report, and the Revised Indicative Layout plan. Following consideration of the mitigation proposals we are satisfied that these are in accordance with reptile mitigation guidelines. We therefore have no objection subject to the proviso that the mitigation proposals

are secured by conditions as recommended in Place Services response dated 29 June 2018.

ESSEX COUNTY COUNCIL HIGHWAYS

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

ANGLIAN WATER

- 8.3 Section 1 – Assets Affected
There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.
Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Section 2 – Wastewater Treatment

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

Section 3 – Foul Sewerage Network

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

Section 4 – Surface Water Disposal

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

be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

ESSEX COUNTY COUNCIL - EDUCATION

- 8.4 I have assessed the application on the basis of 30 houses. Assuming that all of the units are homes with two or more bedrooms, a development of this size can be expected to generate the need for up to 2.70 early years and childcare (EY & C) places, 9.00 primary school and 6.00 secondary school places. The developer contribution figures are calculations only. Final payments will be based on the actual unit mix and the inclusion of indexation.
- Early Years and Childcare
The proposed development is located within the Felsted Ward. According to Essex County Council's childcare sufficiency data, published in 2018, there are zero unfilled places recorded. For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. In the area, the data shows insufficient places to meet the demand from this proposal. An additional 2.7 places would be provided at an estimated total cost of £47,039 at April 2018 prices. So, based on the demand generated by this proposal as set out above, a developer, index linked to April 2018, is sought to mitigate its impact on local Early Years and Childcare provision.
- Primary Education
- 8.5 This development would sit within the priority admissions area of Felsted Primary School. The school has just 120 places in permanent accommodation and currently uses temporary class bases to provide for the 267 pupils on roll (May 2018). Having taken a couple of @bulge groups@, the school now has a Planned Admission Number of 30 pupils per year. The school is, as in previous years, fully subscribed for this September's intake. Viability work is being commissioned to look at the school's permanent accommodation need. This development would add to that need and, thereby, the requirement of a developer contribution is directly related to this proposal. So, based on the demand generated by this proposal as set out above, a developer contribution of £137,529, index linked to April 2018, is sought to mitigate its impact on local primary school provision.
- The contribution sought is based on the formula outlined in the Essex County Council Developers' Guide to Infrastructure Contributions, which sets sums based on the number and type of homes built. The contribution would thus be fairly and reasonably related in scale and kind to the development and thereby, Community Infrastructure Levy regulation 122 compliant. Five obligations naming the project alluded to above have not been entered into at this time and any section 106 agreement in favour of primary school place is, therefore, also regulation 123 compliant.
- Secondary Education:
- 8.6 The local secondary school serving this area is Helena Romanes. Although there will be a need to expand provision to meet longer term growth, this site is unlikely to be one of the five most significant developments. Due to CIL regulation 123 a developer contribution towards secondary school places is not sought on this occasion. Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council will not be seeking a school transport contribution; however, the developer should ensure that safe and direct walking and cycling routes to local schools are available
- 8.7 In view of the above, I request on behalf of Essex County Council that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on childcare and primary education. Our standard formula s106 agreement clauses that ensure the contribution would be fairly and reasonably

related in scale and kind to the development are available from Essex Legal Services.

CRIME PREVENTATION

- 8.8 We would like to see the developer seek to achieve a Secured by Design award in respect of this proposed development. From experience pre-planning consultation is always preferable in order that security, environmental, and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application. A Secured by Design award would also provide evidence of Approved Document "Q" compliance.

NATS SAFEGUARDING

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

ARCHAEOLOGY

- 8.10 Recommendation: archaeological programme of trial trenching followed by open area excavation, to be secured by conditions.

ECOLOGY PLACE SERVICES

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

I have reviewed the Addendum to Great Crested Newt and Reptile Survey Report (Hybrid Ecology) dated 26th June 2018 and Revised Indicative Layout Plan – Drawing No. SP005-PL-05 Revision B (March 2018) supplied by the applicant, relating to the proportionate mitigation for reptiles and amphibians.

- 8.12 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.
- The revised layout will now create 0.63 hectares of common lizard habitat on site which will be ecologically linked to 0.32ha mitigation area for great crested newt adjacent to the pre-existing mitigation area (application UTT/13/0989/OP). This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.
- The mitigation measures identified in the Addendum to Great Crested Newt and Reptile Survey Report (Hybrid Ecology) dated 26th June 2018 should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species particularly common lizards and great crested newts.
- Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements in the Preliminary Ecological Appraisal Report (T4 Ecology Ltd, March 2018) will contribute to this aim.

LEAD LOCAL FLOOD AUTHORITY

- 8.13 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions.

9. REPRESENTATIONS

9.1 Neighbours were notified of the application by letter and site notices were displayed at the front of the site. The application has been advertised in the local press. 15 representations have been received. Expiry date: 9TH October 2018

9.2 The following concerns have been raised:

- Lack of infrastructure
- The proposal would increase the boundary of the village which would impact on the scale and size of the village and would set a precedent for more movement if agreed. Loading more families and cars through this stretch of road with the present arrangements is surely not a holistic approach to planning and development. Simply stating that the sum total of the above is "an enforcement issue" is unhelpful in the least. If there are other options which might improve matters - for instance the option tabled within the draft Neighbourhood Plan, to provide for a drop off car park as a planning gain from another proposed housing development, then these should be properly evaluated prior to more development being placed at this location.
- Ecology, wildlife and flora, bats, deer, barn owls, badgers, frogs, hares, butterflies, invertebrates, amphibians, reptiles and birds. UDC has actually been advised by local residents that bats, brown hare, bullfinches, song thrush, house sparrows are present - all of which are NERC Section 41 species. Also seen and heard have been barn owls, tawny owls, skylark, kestrels, buzzards, green woodpecker, and red kites. Barn owls (instantly recognizable), are included in the representations by several local residents, and although not Section 41 species are Essex Biodiversity Action Plan species. A vast number of trees I would say at least a hundred were taken down for the Olsted Grange development and if this proposed development was to go ahead the same sort of number would be taken away, including young oak trees and fruit trees. ECC has advised UDC that the proposals will "contribute to" the aim of providing for a net gain for biodiversity. This is tantamount to acknowledging that a net loss will occur.
- This is to all intents and purposes the second phase of development of a 6.2ha site. UDC has failed to enforce the conditions requiring the housebuilder to complete the ecological compensation associated with the first phase of Clifford Smith Drive. The cumulative impacts of the first and second phases have not been assessed by ECC in providing their advice to UDC. Why not? ECC and UDC have been given a 'Map' by the developer which states that there is no onward habitat connectivity for GCN northwards through the site and have not responded to evidence provided to the contrary that there is indeed such connectivity (UDC failed to upload the consultation response to UTT/18/0784/OP to the planning portal). It is unclear to what extent ECC's advice that the compensation for GCN and reptiles is based on the implied arguments from this map and this could be material as regards the quantum of compensatory habitat to be provided.
- None of the builders is obliged to build green roofs, or install recycled grey water systems, bat boxes, ponds etc. The development will be identical to all the others: Orange brick boxes with acres of parking space and very little green space. With all those new children, dogs, cats and cars coming into its area, how is a frog or toad supposed to survive?
- Inadequate amenities
- The road traffic jam every morning for the school is noisy and the crossing point is dangerous. This development will do nothing but make that worse too

and when they build it, with the construction traffic above it could mean a 20 minute queue to get to home after my shift.

- The Parish Council Neighbourhood Plan leaflet says there is a different proposal which would provide houses to solve this problem so we should not allow houses at Clifford Smith Drive until this is voted on.
- Felsted Primary School is only a small village school catering for children of pre-school up to the age of 11. The main building is a listed building and cannot be extended, within the grounds of the school a number of portable classrooms were put up some 20 years ago. These buildings were only meant to be temporary classrooms to accommodate the baby boom of the early 1990s.

These temporary classrooms have since become permanent and have been added to over recent years. The school is full and oversubscribed as are many of the other primary schools such as Stebbing, Ford End and Dunmow. If this proposed application goes ahead we could be looking at an increase of around 60 school places that would need to be found. Where would these children go?

- Local doctor's surgery is full. Where would the additional 120 potential patients be treated?
- Flood risk and drainage issues
- Traffic congestion at Felsted primary school junction. Adding a further 60 cars to that area is madness.
- Highway Safety. Loading more families and cars through this stretch of road with the present arrangements is surely not a holistic approach to planning and development. Simply stating that the sum total of the above is "an enforcement issue" is unhelpful in the least. If there are other options which might improve matters - for instance the option tabled within the draft Neighbourhood Plan, to provide for a drop off car park as a planning gain from another proposed housing development, then these should be properly evaluated prior to more development being placed at this location.
- This planning application is at odds to the Uttlesford housing plan which looks to create housing in areas where there is sustainable local services.
- Inadequate infrastructure.
- Out of keeping with the character of the area
- There is no need for these new homes. The commitment to our local area by proposed development north of the A120 more than covers our areas contribution
- Impact on character of the area
- The soon to be published village plan is a serious piece which maps out the future of the area in a careful way. Ad hoc and opportunistic developments such as this proposal play no part in this considered piece of work and should therefore be rejected.
- The site is outside development limits for the village.
- Lack of infrastructure in areas such as water pressure, drainage etc. Developers should realise that any mitigation goes beyond simple financial contribution and a responsibility to ensure that work is carried out prior to the construction of houses, not after, when their aims have been met and their interests are elsewhere.
- This is not sustainable development, rather opportunistic and ultimately only for the benefit of the land owners whose aims are return on investment, and care little for the opportunities they destroy.
- Cumulative impact
- Loss of view.
- Irreversible changes to the village identity and further development will be an

insult to those local residents who have worked hard to maintain its history, identity and sense of community.

- I do not find the overhead power cables unsightly or unattractive; in fact one is amazed by the wide variety of birds that perch there.
- UDC housing strategy 2016-21 implies that they will be supporting parish councils to bring forward rural housing schemes to meet the needs of their local communities, yet no evidence has been provided that supports this development is needed for local residents. Cllr Redfern's' introduction to the same strategy puts forward UDC's commitment to rural location" This council will continue to contribute to the Rural Community Council for Essex (RCCE) to help parish councils plan for exception sites which are so important in keeping our village communities vibrant and giving local people the opportunity to live where they have roots and personal connections" again I show my objection to this development and recommend that the planning department give this site exception status of which the parish has all responsibility for decisions relating to this site.
- The quality of life of existing residents will be reduced through the additional noise, traffic and building works associated with the proposed development.
- The proposal would devalue the new homes.
- There have been numerous accidents over the last 5 years along this stretch of road, in fact so many over the bridge by Weavers Farm that the parish council funded road signs to be placed in an attempt to reduce the number of accidents.
- There is little employment locally so the majority of residents commute further afield for work. There are two bus routes that service Felsted, the 133 that runs between Colchester and Stansted and the number 16 that goes to Chelmsford. But to say these are regular and reliable is simply not true. They run an hourly service during peak times only. The service is not an option for many of those needing to get to and from work.
- There was a stretch of 300m of ancient hedgerow which was removed to make way for the development of Olsted Grange, even though on the original application it was stated that this hedgerow should remain. How can we be reassured that the existing hedgerows would be kept. A vast number of trees were taken down for the Olsted Grange development and if this is proposed development was to go ahead the same sort of number would be taken away, including young oak trees and fruit trees.
- Affordable housing – what assurances would be given that the affordable housing would be for local people? Affordable to whom, there were 7 affordable properties set aside on Olsted Grange for local people, yet not one local person was given any of these properties. Again it was supposed to benefit local people who could not afford to live in this area, yet the housing association appeared to ignore this. The only people to benefit from this development were the developers. What assurances would we be given that
- this would not occur again if this proposed development was to be granted.
- Flooding. Any sort of heavy rainfall leaves part of the B1471 constantly flooded.
- Impact of construction traffic.
- If this application was to succeed it would make a total increase of 55 homes built in the last two years. With another application imminent for a further 28 homes opposite this proposed site that would make 83 houses how can this not have a huge impact on our community and the daily lives of all those who live in Watch House Green.
- Light pollution.
- Severe and irreversible biodiversity loss.

- Litter from the builders.
- The hamlet of Watch House Green cannot sustain this level of development.
- Overdevelopment
- The play area should be suitable for a wider range of children should be agreed formally prior to any approval
- Each small development like this closes the gap between hamlets and is another step closer to turning Felsted from a village to a town. Granting permission also paves the way for other developments which all contributes to altering the character of our beautiful village
- Issues relating to ecology relating to planning application UTT/13/0989/OP not being completed.
- New houses should be on one of the empty fields in Felsted.
- Loss of natural amenity to local residents.
- UDC has failed to enforce the conditions requiring the housebuilder to complete the ecological compensation associated with the first phase of Clifford Smith Drive. The cumulative impacts of the first and second phases have not been assessed by ECC in providing their advice to UDC.
- Felsted Primary School is full.
- The NHP for Felsted is in its final stages and in this draft phase has drawn praise from your planning department. Critical to the plan is the option of providing a 'kiss and drop' facility to the west of the Primary School in order to ease the twice daily congestion around the Green. Cars are parked dangerously close to, and even on, the junctions; the narrower parts of the roadway and stretching in all four directions producing impasse and bad temper. Sooner or later a child will be hurt. To provide the kiss and drop facility and some extra parking for staff and visitors, there will be some associated housing which will fulfil the requirements of the housing numbers. To grant planning permission for the above development will mean that this scheme, which will bring real benefits to the residents of Felsted, will be abandoned. The hard won NHP will be severely damaged.
- This developer and the national house builder have shown a very poor history of adhering to the conditions of the first development in Clifford Smith Drive. They have failed to produce the ecological safeguards required in the environmental determination. They have stated that the log piles, bunds, suitable ponds, bat boxes have been stolen or tampered with. This is blatantly not the case. There is no evidence that they were ever installed or completed properly (i.e. the ponds) in the first place, and indeed the maintenance of the natural site has been so poor that not even the mitigation fencing was removed thus entirely inhibiting any free movement of species.
- When the members of the local planning committee visited this site and Maranello in August 2018, several instinctively understood that the arrangement was dangerous. There is no evidence that anyone from ECC Highways has actually visited the site at its peak period prior to giving their advice (i.e. the advice is based on supposed sightlines from the CAD drawings when the reality on the ground is less straightforward).
- Pollution
- This plot of land is not typical of the government guidelines for new build developments because of its lack of infra-structure and it is not close to a railway station, which is one of their criteria.
- We do not understand why this application would be accepted when the first one was refused. Surely going through this process again is a waste of public money. Should this not be dealt with by way of appeal rather than a new

application for the same development?

- The suggestion has been made that an "agreement or covenant" exists which allows access to the proposed development from Clifford Smith Drive. At no stage of our purchase of our property was such an "agreement or covenant" pointed out to us nor have we had sight of any such document.
- The village is made up of small residential roads not residential roads being access to further residential roads.
- Felsted and its surrounding parts have been extremely generous in the level of developments that has been granted over the last few years and I feel it has made its fair share of sacrifices to support the housing crises and gone above and beyond any recommendations of governments housing pledge, and for this I am personally grateful. I believe any further developments will create irreversible changes to the village identity and will be an insult to those local residents who have worked hard to maintain its history, identity and sense of community
- Unlike the developer I do not find the overhead power cables unsightly or unattractive, in fact one is amazed by the wide variety of birds that perch there and the wildlife it attracts.
- UDC housing strategy 2016-21 implies that they will be supporting parish councils to bring forward rural housing schemes to meet the needs of their local communities, yet no evidence has been provided that supports this development is needed for local residents. Cllr Julie Redfern's introduction to the same strategy puts forwards UDC's commitment to rural location "This council will continue to contribute to the Rural Community Council for Essex (RCCE) to help parish councils plan for exception sites which are so important in keeping our village communities vibrant and giving local people the opportunity to live where they have roots and personal connections" Again I show my objection to this development and recommend that the planning department give this site exception status of which the parish has all responsibility for decisions relating to this site.
- Cars travelling south on the B1417 speed right up to the 30mph limit which is set on the corner to the south of Clifford Smith Drive. For people trying to cross the road, the cars emerge with little warning around the bend and often at high speed. You can't see them because of the said vegetation, trees and parked vehicles and you can't hear them in the morning rush because of the traffic jam. For their part, speeding drivers can find families trying to cross the road between parked vehicles, and oncoming traffic forced onto the wrong side of the road by the parked cars. Children crossing are particularly vulnerable as the vegetation is much denser at their eye height.
- The present pedestrian crossing point is dangerous, and particularly so at the times the school and Felmoor Nursery are in operation (i.e. when it's most likely to be used). It has obstructed views from parked cars, trees, and through 2/3s of the year, the high vegetation from the wildlife and tree planting approved by UDC as mitigation for Clifford Smith Drive.
- South of the crossing point, the road is winding, narrow and darker given tall trees on either side. Poor parking on the pavement can require pedestrians to enter the road. At peak times cars park all along the west side of the road in a continuous line from the school to the entrance to the nursery. Frustrated drivers (including buses and HGVs) sometimes ride up onto the pavements into the gaps left opposite driveways, when trying to fight their way through.
- Developers continue to take advantage of the lack of planning policy by Uttlesford, and this in the face of an upcoming neighbourhood plan by Felsted. What message would this send? If this is approved it will in an instant invalidate the work by a community of people who seek to collectively shape

our future.

- This proposed development on the grounds that it is not in line with the development proposals for Felsted in the Neighbourhood Plan which are the result of wide consultation with the people of Felsted and take due consideration for housing provision required by the government. Any development in the village beyond that set out in the plan is beyond what the village can sustain.

10. APPRAISAL

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

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

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

- 10.1 This scheme is for up to 30 residential units of which 12 would be affordable and the remainder would be market housing. In policy terms the site is located outside the development limits for Felsted as defined by the Uttlesford Local Plan. Consequently for the purposes of planning, the site is considered to be within the Countryside and subject to all national and local policies. This application follows refusal of UTT/18/0784/OP which was refused for 1) The proposal would adversely affect the rural character of the area, in conflict with Policy S7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework., 2) The application does not include a mechanism to secure suitable affordable housing provision, in conflict with Policy H9 of the Uttlesford Local Plan (adopted 2005), 3) The application does not include a mechanism to secure suitable contributions towards education in conflict with Policy GEN6 of the Uttlesford Local Plan (adopted 2005). The second two reasons for refusal would be overcome by the s106 agreement which the developer has indicated that they are prepared to enter. They have agreed to make a payment of contributions towards education and provide 40% affordable housing. Further information has been submitted by the applicant in respect on reason one and a further consideration is that since the previous decision the NPPF has been updated (July 2018) (Please see below under other material considerations for further appraisal)
- 10.2 The site is subject to the provisions of policy S7. Policy S7 is a policy of general restraint which seeks to restrict development to that which needs to take place there, or is appropriate to a rural area in order to protect the character of the countryside. This includes infilling in accordance to paragraph 6.13. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. This policy seeks to protect the rural area from inappropriate development and permission will only be given for development which is appropriate to the rural area or needs to take place there. Permission will only be given for development which protects or enhances the character of the countryside in which it is set or there are special reasons why the development needs to be there. The proposal relates to a form of development

which is inappropriate in a rural area and which does not need to take place there. The proposal is therefore contrary to Policy S7. A review of Policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas.

- 10.3 S70 (2) of the Town and Country Planning Act 1990 states that "in dealing with a planning application the local planning authority shall have regard to the provisions of the Development Plan so far as is material to the application and to any other material considerations". S38 (6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 10.4 Paragraph 11 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five- year supply of deliverable housing sites. . In this regard, the most recent housing trajectory identifies that the Council has a 3.4 or 4.45 year land supply depending on the scenario used to calculate the supply.
- 10.5 It is therefore necessary to assess whether the application proposal is sustainable and presumption in favour is engaged in accordance with paragraphs 7 - 14 of the NPPF.
- 10.6 The NPPF emphasises that sustainability has three dimensions (Paragraph 8); an economic role (contributing to building a strong economy), a social role (providing housing and accessible local services) and an environmental role (contributing to protecting and enhancing our natural, built and historic environment.
- 10.7 Economic: The NPPF identifies this as contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity and by identifying and coordinating the provision of infrastructure.. In economic terms the proposal would have short term benefits to the local economy as a result of construction activity and additionally it would also support existing local services, as such there would be some positive economic benefit.
- 10.8 Social: The NPPF identifies this as supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations and by fostering a well-designed and safe built environment, with assessable services and open spaces that reflect current and future needs and support communities health, social and cultural well-being. The proposal would make a contribution towards the delivery of the housing needed in the district, including provision of (40% affordable housing) twelve affordable housing units, public open space and one bungalow and adult outdoor exercise facilities. The applicant has indicated that they are prepared to enter into a S106 legal agreement in order to secure the provision and ongoing maintenance of the proposed open space and outdoor exercise facilities. Felsted has access to bus services to other nearby towns and centres of employment. The local primary school is within easy walking distance from the site, although the proposal would also have a negative impact by putting more strain on the local infrastructure and demand for school places and local surgeries. The site is well served by bus routes, providing access between Watch House Green/Felsted and Great Dunmow, Chelmsford,

Braintree, Stansted Airport and Colchester to further facilities. In respect of health a letter has been submitted from a GP at the local doctor's surgery, John Tasker House Surgery, which confirms that the Felsted Surgery has the capacity to accommodate any new patients generated from the proposal. He also advises that it is intended to operate a new larger and full-time surgery on another site within Felsted. Accordingly, it is considered that there are no significant cumulative health issues. This would have some weight in favour of the positive contribution the proposal could make in these regards.

- 10.9 Environmental: The environmental role seeks to protect and enhance the natural, built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. At present Felsted Parish forms a group of hamlets which are each separated by open countryside. There is a new development of residential housing to the south west of the site and a Grade II listed building to the north beyond hedging and landscaping. The indicative layout shows rear garden to properties backing onto the boundary with Weavers Farm. Opposite the site is open countryside and to the east of the site is further open countryside. The front of the site is screened from the road by mature landscaping. The proposal would introduce an element of built form within the open countryside, which would have some impact on the character of the area. Appearance, landscaping, layout and scale are all matters to be reserved should outline planning permission be granted. The indicative drawings indicate a range and scale of dwellings which would appear to be appropriate in this location. The landscaping concept would provide for a green approach to the village and development set back into the site with a hedgerow to the highway frontage. Existing hedging to the front, north and east of the site would remain. Trees to the south western boundary with Clifford Smith Drive would also remain. New planting would compensate for any young trees needing to be removed for the access. The overhead power lines would be relocated underground. There would be impact on ecology, however this is discussed further below. Additionally the proposal would link to existing pedestrian footpaths and rights of way. There would be no material detrimental cumulative impact caused to warrant refusal of the proposal.
- 10.10 The Historic Environment Record indicates that the proposed development lies within a potentially highly sensitive area of heritage assets. Archaeological excavation in the adjacent housing development found the remains of Saxon and medieval occupation. The archaeological investigation identified a series of linear features, pits and post holes indicative of settlement edge development with finds of Saxon, medieval and post medieval date. The presence of Late Saxon material is rare in Essex and this with the presence of medieval finds and features suggest this may be the remains of a manor site. Specialist archaeological advice is that an archaeological programme of trial trenching followed by an open area excavation is carried out. This can be achieved by appropriate conditions.
- 10.11 A further material consideration is that the site is an allocated site (Policy FEL2) within the Regulation 19 Local Plan, although this have very limited weight at this point in time.
- 10.12 This application is an outline application with all matters, except access, reserved. Therefore there are no specific details in relation to dwelling types. Policy H10 has a requirement for sites of 0.1 hectares and above to include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total.

Since the adoption of the above policy, The Strategic Housing Market Housing report September 2015 has been adopted. This identified that the market housing needs for Uttlesford have changed. 5% of the dwellings shall be bungalows.

This states:

Market Housing Needs for Uttlesford

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

The supplementary Planning Document Accessible Homes and playspaces also requires that developments of 10 and over should provide bungalows.

- 10.13 The indicative drawings submitted and information within the Design and Access Statement show a mix of housing which would be broadly consistent with the Strategic Housing Market Housing report consisting of a mix of 1,2,3,4 and 5 bedroomed properties.
- 10.14 In accordance with Supplementary Planning Document – Accessible Homes and Playspace the proposed dwellings would need to be accessible and designed to Lifetime Homes Standards. In new housing developments of 20 dwellings or more , the council will require 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition and 2016 amendments. In this respect Part M4 (2) paragraph 2.12 relating to car parking, in order to comply with the building regulations it states:

Where a parking space is provided for the dwelling, it should comply with all of the following.

- a) Where the parking is within the private curtilage of the dwelling (but not within a carport or garage) at least one space is a standard parking bay that can be widened to 3.3m
- b) Where communal parking is provided to blocks of flats, at least one standard parking bay is provided close to the communal entrance of each core of the block (or to the lift core where the parking bay is internal) The parking bay should have a minimum clear access zone of 900mm to one side and a dropped kerb in accordance with paragraph 2.13d
- c) Access between the parking bay and the principal private entrance or where necessary, the alternative private entrance to the dwelling is step free.
- d) The parking space is level or, where unavoidable, gently sloping
- e) The gradient is as shallow as the site permits.
- f) The parking space has a suitable ground surface.

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

- 10.15 All of the units would have private amenity spaces. The Essex Design Guide recommends that dwellings or 3 bedrooms or more should have private amenity spaces of 100sqm+.and 2 bedroom properties 50 sqm+. The gardens shown in the indicative plans indicate that they could accord with the requirements of the Essex

Design Guide. Each plot would have adequate private amenity space to accord with the requirements of the Essex Design Guide.

- 10.16 The indicative plans show that there would be sufficient space for the required parking provision to be provided for the size of dwellings proposed and adequate visitor parking spaces. In order to comply with the adopted parking standards, 7 visitor parking spaces would be required.
- 10.17 It is considered that the weight to be given to the requirement to provide a 5 year land supply and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7. The site is relatively sustainable and is allocated within the Regulation 19 Local Plan, therefore, in balancing planning merits, taking into account the benefits of the proposal it is considered that the principle of the development is acceptable. The Felsted Neighbourhood Plan is in the early stages and is not currently made. It is not considered that if this proposal is approved, that the sites identified within the Neighbourhood Plan could not also come forward with the associated benefits that they would provide.

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

- 10.18 The proposed development would utilise the access and spine road that already serves the recently approved, residential development located to the south of the site. The development would result in an increase in the number of vehicle movements using the access road and local network. This intensification has the potential to have a detrimental impact on the amenity of the occupiers of the dwellings that are located adjacent to the spine road, close to the access with Braintree Road and also local residents.
- 10.19 The new access would involve the removal of trees, however, additional planting would be carried out to mitigate against their loss.
- 10.20 The existing issues i.e. parking related to the school are not issues for the applicant to militate against and any obstructive or dangerous parking would be a law enforcement issue.
- 10.21 In order to facilitate walking or cycling journeys new footpath links are proposed from the site to enable pedestrians to use the footpath on the western side of the Braintree Road. This would enable safe access to the school and bus stop and also to the wider village facilities.
- 10.22 A new rural footpath link is also proposed from the site to the sites North east corner where it would join up to footpath FP15. This link would allow the new and existing residents to access the footpath without the need to access the footpath at the existing point further along Braintree Road.
- 10.23 Essex County Council Highways have been consulted and have no objections to the proposal subject to conditions.
- 10.24 The proposal would meet the aims of GEN1.

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

- 10.25 Policy GEN7 and paragraph 175 of the NPPF require development proposals to aim to conserve and enhance biodiversity. Appropriate mitigation measures must be

implemented to secure the long-term protection of protected species. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands.

- 10.26 The site has the potential to impact on biodiversity and accordingly Essex County Council Ecologists have been consulted. They have no objections to the proposal subject to securing biodiversity mitigation and enhancement measures. As all the land is within the applicant's ownership for onsite and offsite improvements to habitats this can be secured by appropriate conditions.
- 10.27 As such it is not considered that the proposal would have any material detrimental impact in respect of protected species to warrant refusal of the proposal, subject to appropriate conditions, and accords with ULP policy GEN7.

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

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

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

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

The site area is 2.8 hectares and as such a provision of 40% affordable housing is required. The proposal would include 12 affordable units (including one bungalow)
The housing enabling officer has previously confirmed that the proposed mix of affordable housing is acceptable. The affordable housing is integrated across the development and therefore is tenure blind. The site is not classified as an exception site and as such any affordable housing delivered by the development would have to go to meeting the general housing need of the district.

The applicant has indicated that they are prepared to enter into a Section 106 legal agreement to provide the affordable housing. Subject to this agreement being completed, the proposal would comply with the requirements of policy H9

- 10.29 Education:
Essex County Council has assessed the application and state that for Essex County Council to meet its statutory duties in respect of Early Years and Childcare provision it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. In the area, the data shows insufficient places to meet the demand from this proposal. An additional 2.7 places would be provided at an estimated total cost of £47,039 at April 2018 prices. So, based on the demand generated by this proposal as set out above, a developer, index linked to April 2018, is sought to mitigate its impact on local Early Years and Childcare provision.
- 10.30 In respect of Primary Education provision this development would sit within the priority admissions area of Felsted Primary School. The school has just 120 places in permanent accommodation and currently uses temporary class bases to provide for the 267 pupils on roll (May 2018). The school now has a Planned Admission Number of 30 pupils per year. The school is, as in previous years, fully subscribed for this September's intake. Based on the demand generated by this proposal as set out above, a developer contribution of £137,529, index linked to April 2018, is sought to

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

- 10.31 The local secondary school serving this area is Helena Romanes. Although there will be a need to expand provision to meet longer term growth, this site is unlikely to be one of the five most significant developments. Due to CIL regulation 123 a developer contribution towards secondary school places is not sought on this occasion. Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council will not be seeking a school transport contribution; however, the developer should ensure that safe and direct walking and cycling routes to local schools are available
- 10.32 The developer contribution figures are calculations only. Final payments will be based on the actual unit mix and the inclusion of indexation.
- 10.33 The developer has indicated that they are prepared to enter into a Section 106 legal agreement to make a payment of contributions towards education provision. The proposal therefore subject to compliance with the s106 agreement requirements would comply with policy GEN6.

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

- 10.34 Policy GEN3 requires development outside flood risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere.
- 10.35 The application has been submitted with a Flood Risk Assessment and this indicates that the site can be developed in such a manner that flooding would not result. The Lead Local Flood Authority has no objection to the proposal subject to conditions. The proposals subject to conditions would comply with Policy GEN3 and the NPPF.
- 10.36 Anglian Water indicates that if the WRC needs to be upgraded to cater for the foul flows from the proposal it is their legal responsibility and hence not a planning issue.
- 10.37 Water pressure has been raised as an issue in local representations. However, the applicants have confirmed with Affinity Water, which has a main running along Braintree Road and also along Clifford Smith Drive, that they would boost pressure where required. Accordingly, it is submitted that there are no significant cumulative drainage and water infrastructure issues.

F Other Material Planning Considerations

- 10.38 The Parish Councils comments have been noted, however it is considered that (as explained earlier) greater weight should be given to the lack of five year land supply of deliverable sites for residential development. In such circumstances the NPPF specifies that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites".
- 10.39 Reference has been made within the representations received that the proposal is not consistent to the Felsted Neighbouring Plan, however this plan has not been

made and therefore carries little planning weight at the current time

- 10.40 As part of the Felsted Neighbourhood Plan consultation, a response has been received from Natural England identifying the site as being within a recreational Zone of Influence (Zols) of the Blackwater Estuary SPA and Ramsar site which is a coastal European designated site. Under the provisions of the Habitats Regulations, it is anticipated that new residential development within these Zols constitutes a likely significant effect on the sensitive interest features of the above designated site through increased recreational pressure, either when considered alone or in combination. The Essex Coast RAMS is a large scale strategic project which involves a number of Essex authorities working together to help mitigate these effects. Natural England is still in the process of refining the residential IRZs for the above designated sites to align with Essex Coast RAMS project. . They have stated that in the interim period before the RAMS is adopted, a financial contribution should be agreed with and collected from the developer, prior to commencement, on the basis that it can be used to fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)). The NPPF paragraph 176 states that proposed Ramsar sites should be given the same protection as habitats sites. There is however, no current mechanism in place within Uttlesford, to secure suitable contributions towards this and no current or draft plan policy to reasonably request contributions for the proposed development.
- 10.41 In respect of the first reason for refusal, the applicant has submitted further information especially relating to the updated NPPF (July 2018). Paragraph 68 states Small and medium sized sites can make an important contribution to meeting the housing requirements of an area and are often built out relatively quickly. To promote the development of a good mix of sites local planning authorities should including other criteria, support the development of windfall sites through their policies and decisions giving great weight to the benefits of using suitable sites within existing settlements for homes.
- Paragraphs 11 states that decisions should apply a presumption in favour of sustainable development. This site has been assessed through the SLAA site ref 17FEL15 and ranked as classification B are being suitable for development and allocated within the Reg 19 Local Plan. Classification B states: "These are sites that are considered deliverable/developable within the plan period but do not currently have planning permission. These sites are largely free from major physical and infrastructure constraints. The sites are broadly in line with National Planning Policy considerations and the development strategy of the emerging local plan." It is intended by the Council to still include the site within the Reg 19 Local Plan to the Government in January 2019.
- Paragraph 13 of the NPPF states that the application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies and should shape and direct development that is outside of these strategic policies, as such the proposed Reg 14 Neighbourhood Plan is contrary to the aims of the NPPS. Paragraph 13. The Neighbourhood plan has still got to be amended following consultation and then resubmitted to the LPA. The LPA will then need to re-consult and the plan then be considered by the Inspectorate. It is considered that at this moment in time the Reg 19 plan should be given greater weight.

11. CONCLUSION

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

- A** It is considered that the weight to be given to the requirement to provide a 5 year land supply and the housing provision, affordable housing and open space, which could be delivered by the proposal, would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7. The site is also an allocated site within the Regulation 19 Local Plan. The benefits, of needed housing, 12 affordable housing units and financial contributions in respect of education £184,568 (index linked), are considered to outweigh any harm, which is considered to be limited, to the character of the countryside. Taking into account the aims of the revised NPPF, in balancing planning merits, it is considered that principle of development is acceptable
- B** The proposal would comply with the aims of GEN1
- C** The application now provides sufficient information and evidence to demonstrate that the proposals (subject to conditions) would not adversely affect protected species. As such the proposals comply with Policy GEN7 and section 175 of the NPPF.
- D** The 40 % of affordable housing and the mix and tenure split for the development is considered to be acceptable and complies with policy H9 and GEN6. The contribution in respect of education for £47,038 in respect of Early Years and Childcare provision and £137,528 to mitigate its impact on local primary school provision, a total of £184,566 (index linked) which can be secured by an s106 agreement.
- E** The Neighbourhood Plan does not support the emerging local plan; however, the proposal is broadly constant with the policies and aims of the updated NPPF.

The applicant has agreed to the pre- commencement conditions as per the new legislation that came into play in October.

RECOMMENDATION – APPROVAL WITH CONDITIONS subject to a S106 Legal Obligation

- 1. The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by 22nd January 2019 the freehold owner enters into a binding obligation to cover the matters set out below under S106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Finance, in which case he shall be authorised to conclude such an obligation to secure the following:**
 - (i) Provision of 40% affordable housing**
 - (ii) Provision of open space and outside adult exercise equipment**
 - (iii) Maintenance of SuDS**
 - (iv) Management Company in relation to SUDS and public open space and outside exercise equipment.**
 - (v) Payment of contributions towards Education Provision**
 - (vi) Pay the Council’s reasonable legal costs**
 - (vii) Pay the monitoring fee**
- 2. In the event of such an obligation being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below**
- 3. If the freehold owner shall fail to enter into such an obligation the Director of Public Services shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:**
 - (i) No provision of affordable housing**
 - (ii) No provision of open space or exercise equipment**

- (iii) **No maintenance of SuDS**
- (iv) **No provision of Management company in relation to SUDS and public open space,**
- (v) **Non-payment of contribution towards education provision.**

Conditions

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

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

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

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

- 3 The development hereby permitted shall be begun not later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

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

- 4 No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ through re-design of the development, shall be submitted to the local planning authority.

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

JUSTIFICATION: The Historic Environment Record indicates that the proposed development lies within a sensitive area of heritage assets. It is in close proximity east of a medieval moated site (EHER 9562) which was previously excavated uncovering Saxon and prehistoric occupation within its vicinity. The nearby green (EHER 18073) and moated site would have formed the focus of the settlement during the medieval period and there is the potential for medieval occupation within the proposed development area. This is also evident from the listed medieval buildings to the north and south of the site.

- 5 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.

JUSTIFICATION: The Historic Environment Record indicates that the proposed development lies within a sensitive area of heritage assets. It is in close proximity east of a medieval moated site (EHER 9562) which was previously excavated uncovering Saxon and prehistoric occupation within its vicinity. The nearby green (EHER 18073) and moated site would have formed the focus of the settlement during the medieval period and there is the potential for medieval occupation within the proposed development area. This is also evident from the listed medieval buildings to the north and south of the site.

- 6 The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority), which 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.

- 7 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 include but not be limited to:

Limiting discharge rates from the site to the previously calculated greenfield runoff rate from the development of 2.64l/s as stated within the report.

Provide sufficient surface water storage so that the runoff volume is discharged or infiltrating at a rate that does 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 years plus climate change event. Provide details of pre- and post-100 year, 6 hour runoff volume.

Final modelling and calculations for all areas of the drainage system. Please note that discrepancies were observed within the calculations provided at outline design as follows for which clarification is required:

- The drainage areas did not equate to the 0.9ha + climate change allowance as indicated within the report. Please ensure that the road hardstanding area is also included in this calculation.

- The maximum control within the summary of results of the Cascade Analysis does not exhibit limiting flow rates to 2.64l/s as stated within the report.

- Evidence that adequate attenuation storage applied with appropriate controlled

runoff rates has been provided to ensure a half drain time of 24 hours for the critical event is provided, or enough volume is provided to contain a 1 in 10 year rainfall event within the storage within 24 hours of the 100 year rainfall event.

Detailed engineering drawings of each component of the drainage scheme.

A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

To ensure the effective operation of SuDS features over the lifetime of the development.

To provide mitigation of any environmental harm which may be caused to the local water environment

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

. In accordance with polices GEN2 and GEN3 of Uttlesford Local Plan adopted 2005

JUSTIFICATION: The drainage schme could result in the proposal not being achievable.

8 No works shall take place until outstanding information relating to the Maintenance Plan is provided as follows:

Please provide details on how management company services for the maintenance of shared drainage features shall be funded and managed for the lifetime of the development.

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

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

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

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk. In accordance with polices GEN2 and GEN3 of Uttlesford Local Plan adopted 2005

10 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4 (3) (2) (a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4 (2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

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

- 11 Prior to occupation of any dwelling, the provision of an access formed at right angles to Clifford Smith Drive, as shown in principle on drawing no. DR1 (dated 06/03/2018), to include but not limited to: minimum 5.5 metre carriageway width with two 2 metre wide footways (around each radii) extending along Clifford Smith Drive to suitable dropped kerb pedestrian crossing points across Clifford Smith Drive, and a clear to ground visibility splay with dimensions of 2.4 metres by 25 metres, in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall retained free of any obstruction at all times.

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

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

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

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

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

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

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

JUSTIFICATION: Once commenced, protected and priority species could be harmed without the appropriate mitigation taking place.

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

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

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

- 17 Prior to occupation, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

- 18 The proposed development that may harm great crested newts shall not in any circumstances commence unless the local planning authority has been provided with either:
- a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
 - a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.
 -

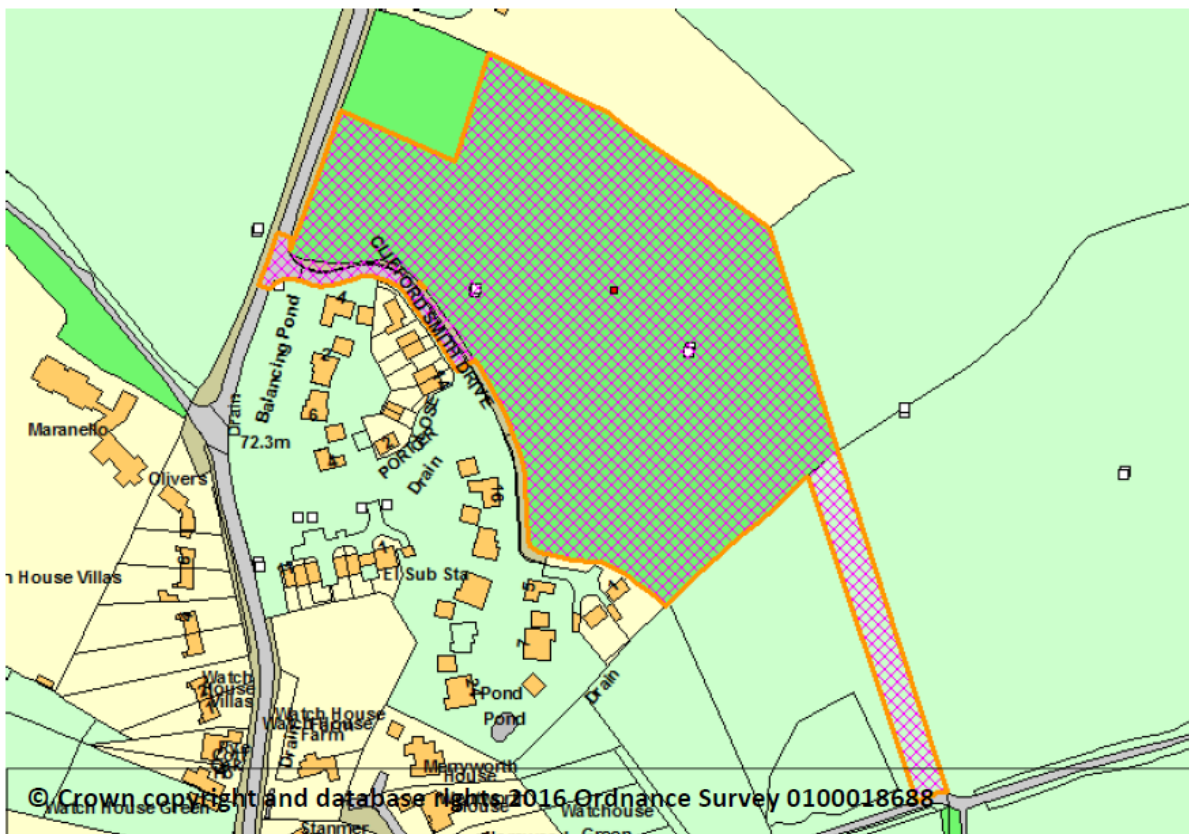
REASON: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Uttlesford Local Plan Policy GEN7.

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

The LEMP shall also include details of the legal and funding mechanism(s) by which

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

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



Organisation:	Uttlesford District Council
Department:	Planning
Date:	12 November 2018

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UTT/18/1467/FUL (SAFFRON WALDEN)

(Major development)

- PROPOSAL:** Application to vary condition 2 from planning permission UTT/14/3763/FUL (from permitting only the sale of 'items which are required for repair and maintenance, alterations or improvement of premises...' to 'DIY goods, furniture, floor coverings, leisure and garden products, motor accessories, indoor and outdoor lighting, domestic electrical appliances, homewares and ancillary non-food goods, not including fashionwear items or fashion footwear')
- LOCATION:** Homebase Limited, Elizabeth Close, Saffron Walden, CB10 2NL
- APPLICANT:** Charterhouse Property Group Ltd
- AGENT:** Planning Potential Ltd
- EXPIRY DATE:** 23 November 2018
- CASE OFFICER:** Luke Mills
-

1. NOTATION

- 1.1 Within Development Limits.

2. DESCRIPTION OF SITE

- 2.1 The site is located off Elizabeth Close, Saffron Walden. It comprises a DIY store and associated car park.

3. PROPOSAL

- 3.1 The application is to vary Condition 2 of planning permission UTT/14/3763/FUL to increase the range of products that can be sold from the premises. Condition 2 currently reads:

“This DIY building shall be used only for the sale of items which are required for repair or maintenance, alterations or improvement of premises, including bathroom and kitchen, fixtures and fittings. The following items shall NOT be sold from these premises without the written consent of the planning authority;

(i) Electrical appliances including refrigerators, freezers, cookers, washing machines, dishwashers, TV and video equipment, radio and record and tape playing equipment;

(ii) Carpets and curtains

(iii) Textiles, plants, domestic appliances car accessories, carpets, furniture, food, home brew, toys, confectionary, books, hobby kits, telephones or any other consumer durables

Notwithstanding the above, a floorspace of up to 185 square metres within

the existing sales area shall be used by a Catalogue Showroom Retailer for the sale and display of any A1 non-food goods.

REASON: To define the scope of the permission and to specify the sale of goods so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with the National Planning Policy Framework (May 2012)."

3.2 The application initially proposed the following condition:

"The unit shall be limited to the sale of DIY goods, furniture, floor coverings, leisure and garden products, motor accessories, electrical, homewares and pets/pet related products and ancillary veterinary surgeries and animal grooming, other non-food bulky goods, but not including fashion wear items or fashion foot wear."

3.3 During the determination period, the proposed condition has been amended to the following:

"The unit shall be limited to the sale of DIY goods, furniture, floor coverings, leisure and garden products, motor accessories, indoor and outdoor lighting, domestic electrical appliances, homewares and ancillary non-food goods, not including fashionwear items or fashion footwear."

3.4 The differences are:

- "electrical" products have been replaced with the more-specific "indoor and outdoor lighting" and "domestic electrical appliances"

- "pets/pet related products and ancillary veterinary surgeries and animal grooming" have been removed

- "other non-food bulky goods" have been replaced with the more-specific "ancillary non-food goods" i.e. ancillary to the other products listed

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. APPLICANT'S CASE

5.1 The application includes the following documents:

- Covering letter

6. RELEVANT SITE HISTORY

6.1 Condition 5 of the original planning permission for a DIY store restricted the range of goods that could be sold from the premises (UTT/1574/87). The condition was subsequently replaced or varied under applications UTT/0605/89, UTT/1464/98/FUL and UTT/14/3763/FUL.

7. POLICIES

- 7.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.
- 7.2 S73 of the Act requires the local planning authority, in dealing with an application to develop land without compliance with conditions previously attached, to consider only the question of the conditions subject to which planning permission should be granted.
- 7.3 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.4 Relevant development plan policies and material considerations are listed below.

Uttlesford Local Plan (2005)

- 7.5 S1 – Development Limits for the Main Urban Areas
GEN1 – Access
GEN4 – Good Neighbourliness
GEN8 – Vehicle Parking Standards

Supplementary Planning Documents/Guidance

- 7.6 Parking Standards: Design and Good Practice (2009)

National Policies

- 7.7 National Planning Policy Framework (NPPF) (2012)
- paragraphs 11, 85-90, 102-111 & 127
Planning Practice Guidance (PPG)
- Ensuring the vitality of town centres

8. TOWN COUNCIL COMMENTS

- 8.1 No objections.

9. CONSULTATIONS

Highway Authority (Essex County Council)

- 9.1 Objection to the inclusion of pet-related retail/services. No objections to the inclusion of the other items.

Retail planning consultant (Savills)

- 9.2 No objections to a condition that reflects the range of goods already sold at the premises. Extract:

“The existing uses are however considered to be acceptable because they would not create any new harm to the vitality and viability town centre. If the Council was minded to approve the Application, we would suggest that it does not allow the proposed range of goods to be sold from the existing unit to go beyond those already sold by the Homebase without evidence that the policy objectives referred to above have been addressed. We would therefore propose the following amendments to the condition:

The use of these shall be limited to the sale of DIY goods, furniture, floor coverings, leisure and garden products, motor accessories, electrical and homewares. and other non-food bulky goods, but not including fashion wear items or fashion foot wares.

Electrical could be acceptable subject to an agreed proportion of floorspace that is similar to that currently in operation at Homebase.

Other non-food bulky goods should be removed from the amended condition unless the Applicant is willing to specify the range/type of goods that they wish to sell under the remit of other non-food bulky goods and that this accords with the present Homebase offer.”

10. REPRESENTATIONS

- 10.1 Neighbours were notified of the application by letter, and notices were displayed near the site and in the local press. A representation has been received on behalf of the occupier, Homebase, which confirms that the business has no plans to vacate the unit.

11. APPRAISAL

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

- A Location of retail development (S1, 85-90 & PPG)
- B Transport (GEN1, GEN8 & 102-111)
- C Amenity (GEN4 & 127)

A Location of retail development (S1, 85-90 & PPG)

- 11.1 The NPPF requires the use of a sequential test to ensure that main town centre uses, including shops, are directed towards existing centres. Nevertheless, the retail use of the site is well established, with the proposed condition merely seeking authorisation for a range of goods that is already sold from the premises. While the Council’s retail planning consultant indicated that further justification would be required for the wider range initially proposed, the current range was found to be appropriate.
- 11.2 In accordance with the advice of the Council’s retail planning consultant, the applicant has agreed a more specific form of wording than the “electrical” and “other non-food bulky goods” originally included. The proposed “indoor and outdoor lighting”, “domestic electrical appliances” and “ancillary non-food goods” are considered to be sufficiently precise and consistent with the

current range of goods that the Council's retail planning consultant found to be acceptable. It is therefore concluded that the proposed variation would not cause an outward movement of town centre retail provision, such that there is no conflict with the above policies.

B Transport (GEN1, GEN8 & 102-111)

11.3 The highway authority raised an objection to the inclusion of pet-related retail/services in the initial wording of the proposed condition, but no objections to the remainder. The applicant has since removed any reference to pet-related retail/services from the proposal, thereby overcoming the highway authority's objection. It is therefore concluded that the variation would not cause any adverse effects with respect to road safety or capacity, in accordance with the above policies.

C Amenity (GEN4 & 127)

11.4 It is considered unlikely that the proposed variation would cause a significant change to the nature of the use or its associated vehicle movements, such that there would be no conflict with the above policies insofar as they relate to the amenity of neighbours.

12. CONCLUSION

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

A The proposal accords with the development plan and the NPPF, and no material considerations indicate that planning permission should be refused. It is therefore recommended that the variation of Condition 2 be approved.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

1. COMPLIANCE WITH CONDITION 1 ACHIEVED. ORIGINAL WORDING:

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. CONDITION 2 AMENDED TO THE FOLLOWING:

The unit shall be limited to the sale of DIY goods, furniture, floor coverings, leisure and garden products, motor accessories, indoor and outdoor lighting, domestic electrical appliances, homewares and ancillary non-food goods, not including fashionwear items or fashion footwear.

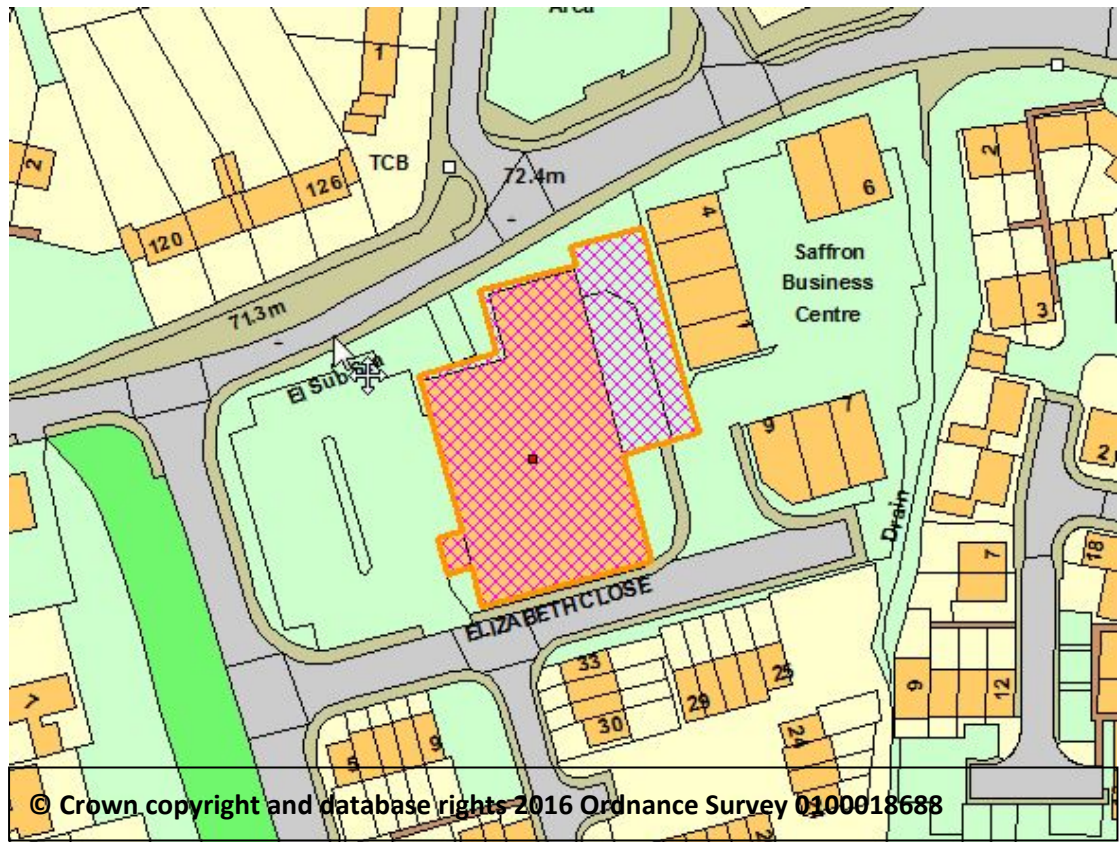
REASON: To define the scope of the permission and to specify the sale of goods so as to not cause unacceptable harm to the vitality and viability of the town centre, in accordance with the National Planning Policy Framework (May 2012).

3. There shall be no external storage of any materials, goods, equipment or machinery of any description in any of the areas reserved for car parking, access, loading and unloading, on any part of the site unless otherwise approved in writing by the Local Planning Authority.

REASON: In order to protect the provision of car parking spaces and to safeguarded the amenity of the surrounding area, in accordance with Policies GEN1, GEN2, and GEN8 of the Uttlesford Local Plan Adopted 2005.

Application: UTT/18/1467/FUL

Address: Homebase Limited, Elizabeth Close, Saffron Walden, CB10 2NL



Organisation:	Uttlesford District Council
Department:	Planning
Date:	16 July 2018

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UTT/18/2642/HHF (Saffron Walden)
(UDC Planning Application)

PROPOSAL: Erection of single storey front/side extension
LOCATION: 28 Tukes Way, Saffron Walden
APPLICANT: Uttlesford District Council
AGENT: N/A
EXPIRY DATE: 27th November 2018
CASE OFFICER: Chris Tyler

1. NOTATION

1.1 Within Development Limits,

2. DESCRIPTION OF SITE

2.1 The application site relates to an end of terrace property located in the residential development of Tukes Way in the town of Saffron Walden. The property is a two storey end of terrace building and includes an integral garage and external materials of brick facing walls under a concrete tiled roof. To the front of the site is off street parking.

3. PROPOSAL

3.1 This planning application is for the erection of a single storey front and side extension. The extension will infill the front of the property and will introduce a single storey front and side section. The extension will be of a flat roof design and include external materials that will match the existing dwelling.

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

And

Human Rights Act considerations:

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

5. APPLICANT'S CASE

5.1 The property is for a family who have specific needs for disability adaption. The family are currently tenants of the Council in another house in Saffron Walden which is considered unsuitable for disability adaption as per the family needs either now or

for the future. The Tukes Way property was identified as potentially suitable to meet their needs and the plans for its adaption have been drawn up with the family's Occupational Therapist. There are currently no alternative options for this family and this adaptation will be the quickest way to get them accommodation that meets their needs.

6. RELEVANT SITE HISTORY

6.1 There are no previous planning applications linked to this site.

7. POLICIES

7.1 National Policies

7.2 National Planning Policy Framework (2018)

7.3 Uttlesford Local Plan (2005)

Policy S1 – Development limits for Main Urban Areas

Policy H8 – Home Extensions

Policy GEN2 – Design

Policy GEN7 - Nature Conservation

Policy GEN8 - Vehicle Parking Standards

Policy ENV12 – Protection of Water Resources

7.4 Supplementary Planning Documents/Guidance

SPD "Home Extensions"

Uttlesford Local Residential Parking Standards (2013)

8. PARISH COUNCIL COMMENTS

8.1 No Objection

9 REPRESENTATIONS

9.1 The neighbouring properties have been consulted of the application. No objections or further comments received.

10 APPRAISAL

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

A Whether the scale, design and external materials of the proposed extension respect those of the original building and whether the character and appearance of the host dwelling would be protected (ULP Policies S1, H8, GEN2 and the NPPF)

B Whether the proposal would result in harm to the amenity of the neighbouring properties by way of overlooking, overshadowing or overbearing effects and noise (ULP Policies GEN2, GEN4)

C Nature Conservation (ULP Policy GEN7)

D Vehicle Parking Standards (ULP Policy GEN8)

E Protection of Water Resources (ULP Policy ENV12)

A Whether the scale, design and external materials of the proposed extension

respect those of the original building and whether the character and appearance of the host dwelling would be protected (ULP Policies S1, H8, GEN2 and the NPPF)

- 10.1 ULP Policy S1 advises development within the existing built up areas of the settlement, if compatible with the character of the settlement will be permitted. In addition Local Plan Policies GEN2 and H8 to ensure that development will be of an appropriate design and mitigate any potential harm to neighbouring properties.
- 10.2 The proposal includes the introduction of a single storey side and front extension and will infill the area between the garage and the front of the dwelling. Although of a large scale it is considered the extension will not be overly dominant or intrusive in the context of the original dwelling or its surroundings. The flat roof design will be compatible with the existing garage, other neighbouring properties have also benefitted from similar extensions to the front elevation and as such this actively contributes to the overall mix and character of the area.
- 10.3 The extension will include external materials that will match the existing dwelling; this is considered appropriate in this urban location. The extension is of a large scale, however due to the end of terrace location of the plot and extensive corner garden it is not considered to be harmful to the character of the site.
- 10.4 As such the proposed extension will respect the appearance and character of the existing building, host dwelling, character of the existing street scene and visual amenities of the locality. The proposal therefore accords with ULP Policies H8, GEN2 and the NPPF.

B Whether the proposal would result in harm to the amenity of the neighbouring properties by way of overlooking, overshadowing or overbearing effects and noise (ULP Policies GEN2, GEN4)

- 10.5 ULP Policies GEN2 and H8 consider the impact to neighbouring properties in regard to any material adverse effect of loss of daylight, loss of privacy, overbearing or overshadowing.
- 10.6 The proposal does not include the raising of the roof or a significant extension height. Due to the single storey nature of the extension it is not considered the development will result in any loss of privacy, overlooking or overshadowing. The extension will be of a sufficient distance from neighbouring properties to not have an overbearing impact.
- 10.7 In regards to the increase in noise from the proposed extension, the extension will not create a material level of noise that shall result in a significant harmful impact to neighbouring residential occupiers. Therefore the proposal accords with ULP Policies H8, GEN2 and the NPPF.

C Nature Conservation (ULP Policy GEN7)

- 10.8 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.
- 10.9 The applicants submitted a biodiversity questionnaire as part of the proposal. The

proposal as demonstrated on the plans and details as set out in the biodiversity questionnaire does not give rise to the requirement of further ecology surveys or consultation. As such it is considered the proposal is not considered to have a harmful impact to protected species and biodiversity and accords with ULP Policy GEN7

D Vehicle Parking Standards (ULP Policy GEN8)

- 10.10 The proposal will result in the additional habitable space and increase of bedrooms from three to four. The off street parking requirement as set out in the Uttlesford Local Residential Parking Standards (2013) states a four bedroom property requires three of street parking spaces.

The proposal includes two off street parking spaces, however at present the three bedroom house only includes one usable off street parking space, as such the proposed development will result in an additional parking space.

Due to the material increase of appropriate off street parking it is considered the proposed development includes acceptable parking standards, and there is not sufficient justification to refuse the planning application on these grounds. Therefore the proposed development does not conflict with ULP Policy GEN8.

E Whether the proposal would be liable to cause contamination of groundwater (ULP Policy ENV12)

- 10.11 Whether the proposal would be liable to cause contamination of groundwater Local Plan Policy ENV12 seeks to resist development that would be liable to cause contamination of groundwater, particularly in Groundwater Protection Zones. Given the small-scale nature of the proposed development and reuse of previously developed land, it is considered that the contamination of groundwater is unlikely. Nonetheless, any construction would need to be in accordance with British standards.

11. CONCLUSION

- 11.1 In conclusion, the proposal is considered an appropriate form development that would represent an acceptable scheme within the development limits and in terms of design, layout, amenity, parking and the impact on protected species and biodiversity. The proposal would comply with national and relevant local plan policy and is acceptable.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

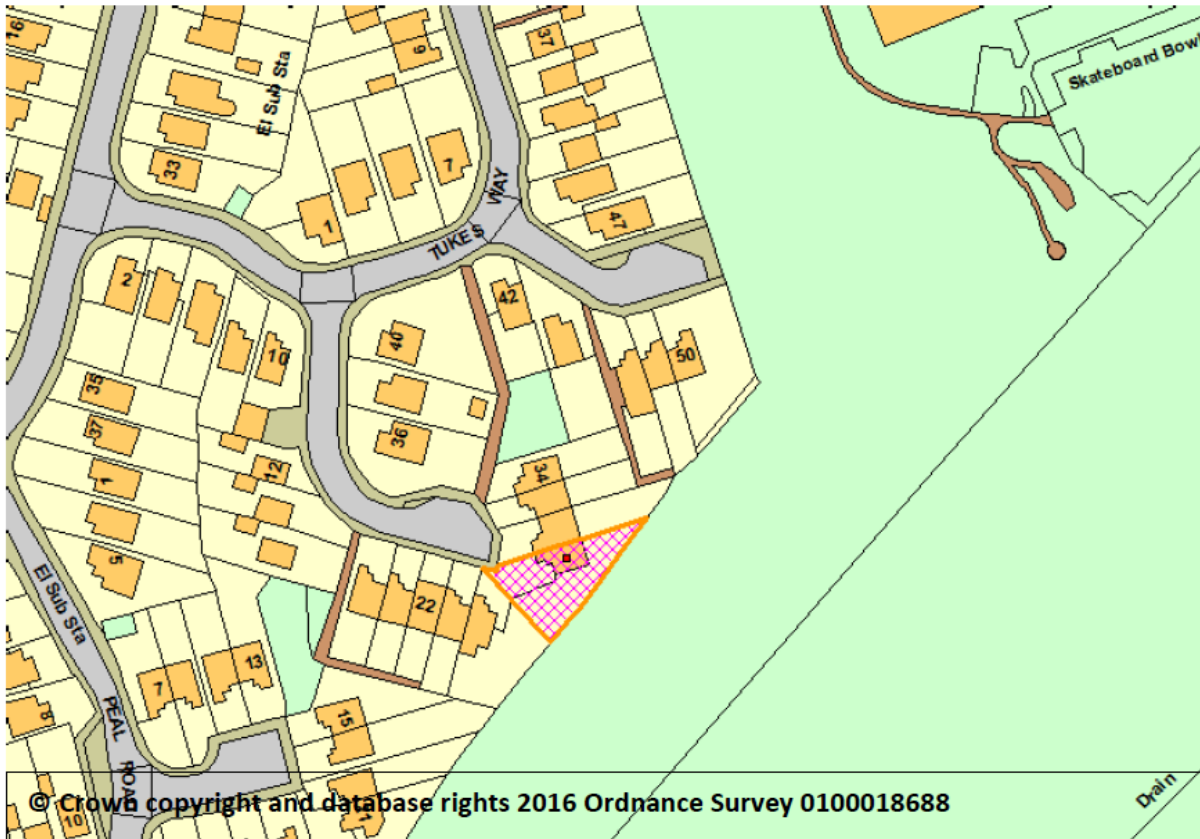
1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

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

2. The development hereby permitted shall be constructed entirely of the materials

details of which are shown on plan no UDC-820-P02 and as shown on the schedule of materials on the planning application form unless otherwise agreed in writing by the Local Planning Authority.

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



Organisation: Uttlesford District Council

Department: Planning

Date: 05 November 2018

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UTT/18/2426/NMA (NEWPORT)

(Uttlesford District Council has an interest in the land)

PROPOSAL: Non Material Amendment to UTT/17/2611/FUL - Plots 1 & 2, 3 & 4 increase footprint by half a brick to rear elevations to achieve gross internal floor area. Sitting room window on front elevation, sill lowered by 4 brick courses and amend windows to comply with Building Regulations Approved Document Part M4 Category 2.

LOCATION: Land to the East of Frambury Lane, Newport

APPLICANT: Foster Property Maintenance Ltd

AGENT: The Design Partnership (Ely) Ltd

EXPIRY DATE: 9 October 2018

CASE OFFICER: Luke Mills

1. NOTATION

1.1 Within Development Limits.

2. DESCRIPTION OF SITE

2.1 The site is located off Frambury Lane, Newport. It comprises a former garage ground rent site.

3. PROPOSAL

3.1 The application is for a Non-Material Amendment to a planning permission for the erection of four dwellings, which was granted in November 2017 (UTT/17/2611/FUL). The proposed amendments include a negligible increase in the building footprints and changes to some window designs.

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 No case submitted.

6. RELEVANT SITE HISTORY

6.1 Planning permission was granted for the erection of four dwellings in November 2017 (UTT/17/2611/FUL).

7. POLICIES

- 7.1 S96A(1) of The Town and Country Planning Act 1990 confirms that a local planning authority may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material. S96A(2) requires that, in deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.
- 7.2 The original planning permission was granted on the basis of the development plan policies and material considerations listed below.

Uttlesford Local Plan (2005)

- 7.3 S3 – Other Development Limits
GEN1 – Access
GEN2 – Design
GEN3 – Flood Protection
GEN6 – Infrastructure Provision to Support Development
GEN7 – Nature Conservation
GEN8 – Vehicle Parking Standards
ENV8 – Other Landscape Elements of Importance for Nature Conservation
ENV14 – Contaminated Land
H1 – Housing Development
H3 – New Houses within Development Limits
H4 – Backland Development
H9 – Affordable Housing
H10 – Housing Mix

Supplementary Planning Documents/Guidance

- 7.4 SPD – Accessible Homes and Playspace (2005)
Developer Contributions Guidance Document (Feb 2016)
The Essex Design Guide (2005)
Parking Standards: Design and Good Practice (2009)
Uttlesford Local Residential Parking Standards (2013)

National Policies

- 7.5 National Planning Policy Framework (NPPF) (2012)
- paragraphs 14, 17, 32-39, 47-49, 55, 58, 100-104, 111, 118 & 120-122
Planning Practice Guidance (PPG)
- Design
- Flood risk and coastal change
- Housing: optional technical standards
- Land affected by contamination
- Natural environment
- Planning obligations
Planning Update: Written statement (HCWS488) (2015)

Other Material Considerations

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

8. PARISH COUNCIL COMMENTS

8.1 No consultations necessary.

9. CONSULTATIONS

9.1 No consultations necessary.

10. REPRESENTATIONS

10.1 No publicity necessary.

11. APPRAISAL

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

A Character and appearance (S3, GEN2, 58 & PPG)

B Amenity (GEN2 & 17)

A Character and appearance (S3, GEN2, 58 & PPG)

11.1 It is considered that the proposed changes would have a negligible impact on the appearance of the houses or the character of the surrounding area. It is therefore concluded that there is no conflict with the above policies.

B Amenity (GEN2 & 17)

11.2 It is considered that the proposed changes would not result in the loss of privacy or daylight at neighbouring premises. It is therefore concluded that there is no conflict with the above policies insofar as they relate to amenity.

12. CONCLUSION

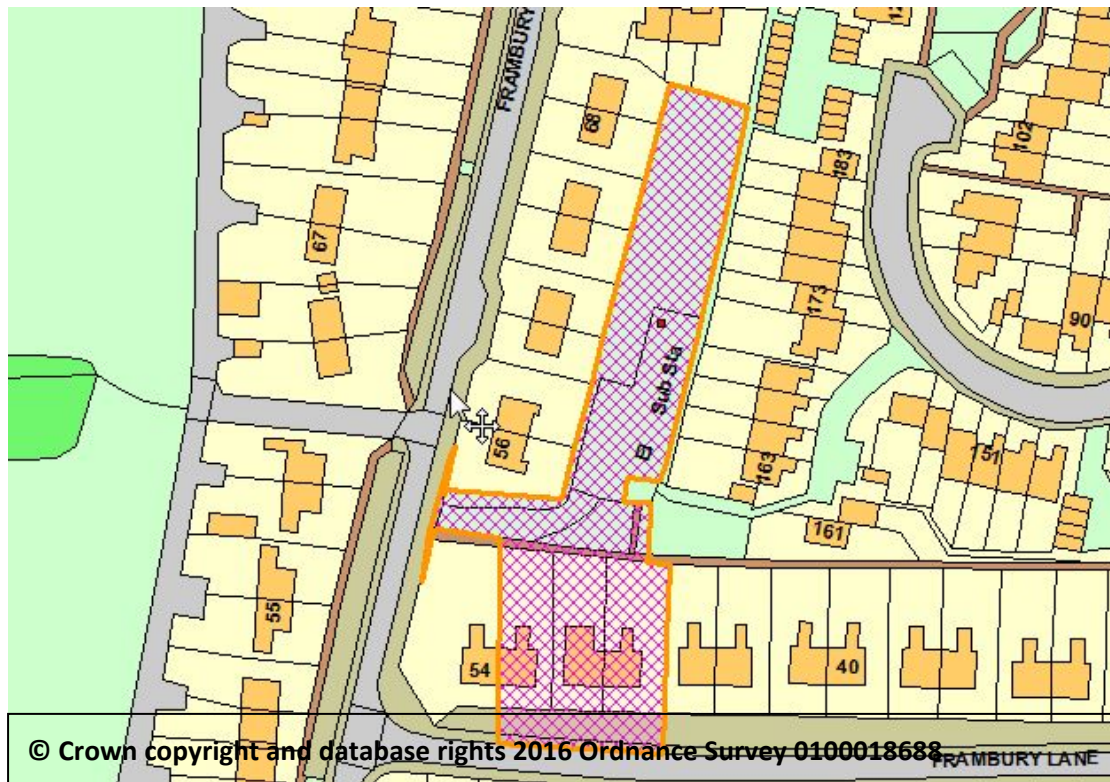
The following is a summary of the main reasons for the recommendation:

A The proposed amendments are considered appropriate for the development, and non-material in the context of the overall scheme. There would be no conflict with local and national policies, including those in the revised NPPF which was published after planning permission was granted. It is therefore recommended that the application be approved, in accordance with S96A of The Town and Country Planning Act 1990

RECOMMENDATION – APPROVAL

Application: UTT/18/2426/NMA

Address: Land to the East of Frambury Lane, Newport



Organisation: Uttlesford District Council

Department: Planning

Date: 02/11/2018

UTT/18/2797/NMA – (DUNMOW).

Reason for presentation to Planning Committee: Council is landowner.

PROPOSAL: Non material amendment to UTT/17/1227/FUL - Increase footprint of plots 3 and 4 by half a brick, changes to fenestration on all four plots, shed and boundary fencing repositioned, repositioning of plots 3 and 4, revision to private drives for plots 3 and 4 and revision to communal car park.

LOCATION: Land to the east of Newton Villas, Dunmow.

APPLICANT: Mr Mark Edwards.

AGENT: Mr Anthony Richardson of The Design Partnership.

EXPIRY DATE: 6 November 2018.

CASE OFFICER: Peter McEvoy.

1. NOTATION:

1.1 Within development limits.

2. DESCRIPTION OF SITE:

2.1 The site is an area formerly occupied by garages, hardstanding and residential garden.

3. PROPOSAL:

3.1 The applicant is requesting a non-material amendment to UTT/17/1227/FUL. This was a planning application for the removal of the existing wooden building and the construction of 2 no. one-bed flats and 2 no. two-bed houses for rent including associated external works and parking. The proposal was granted by the Council's Planning Committee and the decision notice was dated 31 August 2017.

3.2 The proposed amendment relates to the following works:

- a very small increase in size (by half a brick) to plots three and four;
- alteration to the properties' window design, although the position of the first floor landing window would change;
- a gap added the 1m high hooped metal railings;
- slight change to the private drive's eastern visibility splay;
- a small repositioning of the communal car park (found to the north of the development).

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 No case submitted.

6. RELEVANT SITE HISTORY

- 6.1 UTT/17/1227/FUL - removal of existing wooden building and the construction of 2 no. one-bed flats and 2 no. two-bed houses for rent including associated external works and parking.

7. POLICIES

- 7.1 The Town and Country Planning Act 1990, s96A(1) allows a local planning authority may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material. S96A(2) requires that, in deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.
- 7.2 The original planning permission was granted on the basis of the development plan policies and material considerations listed below.

National Policies

- National Planning Policy Framework.

Uttlesford Local Plan (2005)

- S1 – Development Limits for the Main Urban Areas;
- GEN1 – Access;
- GEN2 – Design;
- GEN7 – Nature Conservation;
- GEN8 – Vehicle Parking Standards;
- ENV3 – Open Spaces and Trees;
- H1 – Housing Development;
- H3 – New Houses within Development Limits.

Great Dunmow Neighbourhood Plan (2016)

- Policy DS1:TDA – Town Development Area.
- Policy DS12 – Eaves Height.
- Policy DS13 – Rendering, Pargetting and Roofing

8. PARISH COUNCIL COMMENTS:

- 8.1 No consultation necessary.

9. CONSULTATIONS:

- 9.1 No consultation necessary.

10. REPRESENTATIONS:

- 10.1 No publicity necessary.

11. APPRAISAL:

12. CONCLUSION:

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

- A** The proposed amendments are considered appropriate for the development, and non-material in the context of the overall scheme.

RECOMMENDATION – APPROVAL.

[Attach as a front sheet to final version of committee report before submitting to Democratic Services]

COMMITTEE REPORT CHECKLIST

Committee:	Planning
Date of meeting:	
Title:	UTT/18/2854/TCA Notification of intent to fell 2no. Thuja trees at No.4, South View, Walden Road, Radwinter, within the conservation area.
Lead Officer:	Nigel Brown

Impact:	Approved by:
Financial	[Click here to enter Name of Approver] [CFO/CFO's nominee]
Legal	[Click here to enter Name of Approver] [ACE/ACE's nominee]
Service	[Click here to enter Name of Approver] [Lead Officer / Service Director / HoD]

PART 2 REPORTS	
All of the exemptions are subject to a qualification in that they can only be used if the public interest in maintaining the exemption outweighs the public interest in disclosing the information.	
<i>Explanation of how the public interest test is satisfied</i>	<i>Approved by:</i>

[Click here to type title]

[Click here to type Committee] [Click here to type item number]

<i>(Report Author)</i>	<i>(Legal)</i>
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Committee: Planning

Agenda Item

Date: 21st November 2018

[?]

Title: UTT/18/2854/TCA

Notification of intent to fell 2no. Thuja tree at No. 4, South View, Walden Road, Radwinter, within the conservation area.

Author: Ben Smeeden
Landscape Officer

Item for decision

Summary

1. This item seeks the Committee's consideration of proposed felling of two Thuja trees situated in the grounds of No.4, South View, Walden Road, Radwinter. The trees are within the Radwinter conservation area.

Recommendations

2. No objection raised to the felling of the two Thuja trees.

Financial Implications

None

Background Papers

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

UTT/18/2854/TCA

Impact

4.

Communication/Consultation	Weekly List.
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None

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[Click here to type Committee] [Click here to type item number]

Ward-specific impacts	None
Workforce/Workplace	None

Situation

5. The tree work proposed is the felling of two Thuja trees situated in the grounds of a UDC property, No.4, South View, Walden Road, Radwinter. The trees are within the Radwinter conservation area (Appendix 1: Location plan).
6. The trees have been inspected by the Council's Landscape Officer and found to be poor specimens not considered to be of a public amenity value worthy of being made the subjects of a tree preservation order (Appendix 2 and 3). Both the trees are multi-stemmed with weak unions. The trees are growing next to the boundary with the adjacent primary school and it is considered prudent to fell these trees.

7. Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
1. There are no risks associated with the recommendation	1. None	1. No impact	None

1 = Little or no risk or impact

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

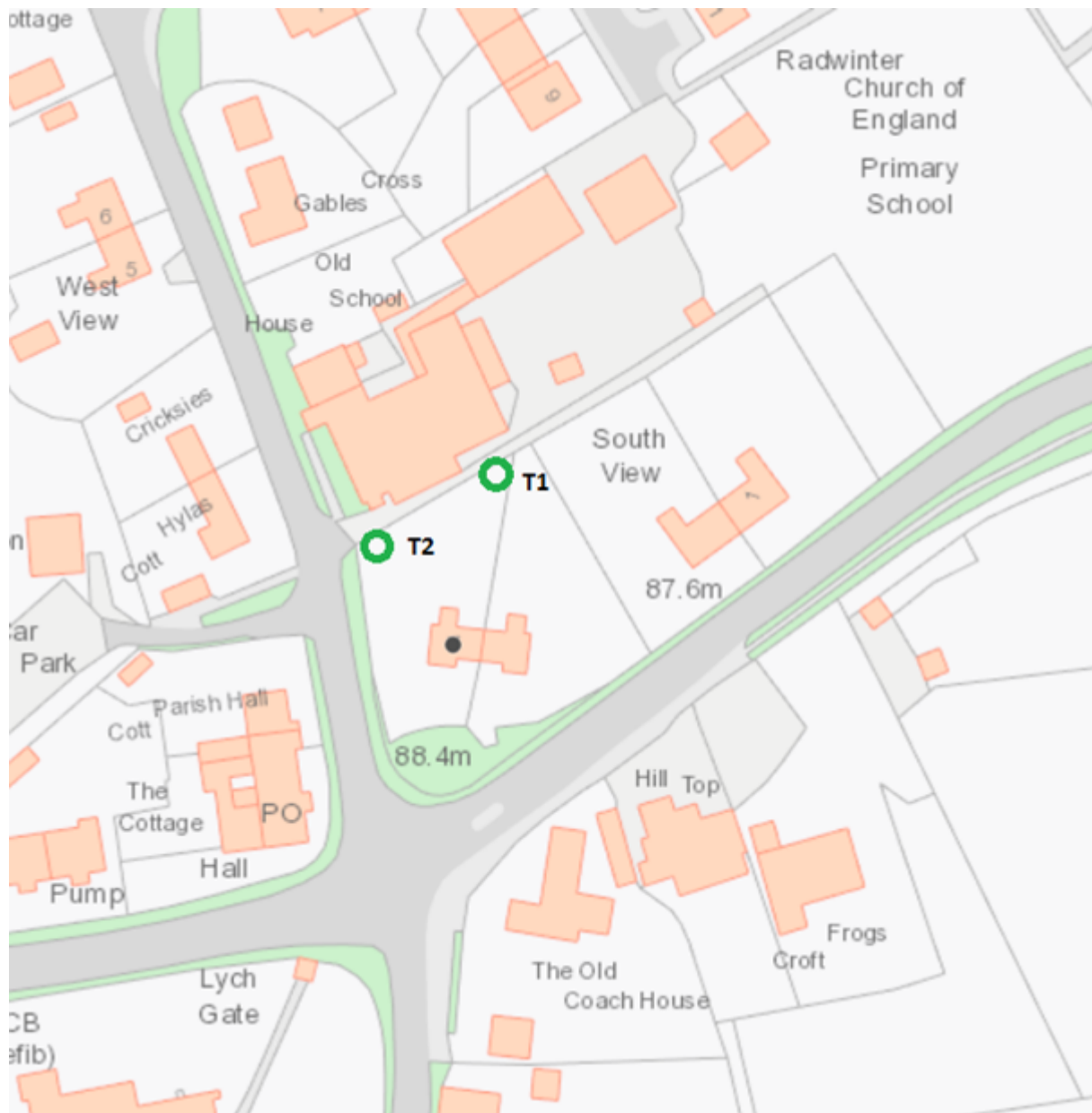
3 = Significant risk or impact – action required

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

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Appendix 1: Location plan



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[Click here to type Committee] [Click here to type item number]

Appendix 2: Tree T1.



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[Click here to type Committee] [Click here to type item number]

Appendix 3: Tree T2 growing behind yew tree.



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