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Uttlesford District Council

Chief Executive: Dawn French

Planning Committee

Date: Wednesday, 6th November, 2019

Time: 2.00 pm

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

Chair: Councillor S Merifield

Members: Councillors G Bagnall, M Caton, P Fairhurst, R Freeman, A Gerard, G LeCount, M Lemon (Vice-Chair), J Loughlin, R Pavitt, A Storah and M Sutton

Substitutes: Councillors S Barker, N Gregory, E Oliver, N Reeve, G Sell, M Tayler and J De Vries

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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 Meeting

5 - 12

To consider the minutes of the previous meeting.

3	UTT/19/1054/OP - Land North of Henham Road, Debden	13 - 20
	To consider application UTT/19/1054/OP.	
4	UTT/19/1463/FUL - Robels, Cutlers Green Lane, Thaxted	21 - 28
	To consider application UTT/19/1463/FUL.	
5	UTT/19/0462/FUL - Land West of Hall Road, Elsenham	29 - 86
	To consider application UTT/19/0462/FUL.	
6	UTT/19/0437/OP - Land South of Rush Lane, Elsenham	87 - 128
	To consider application UTT/19/0437/OP.	
7	UTT/19/1932/FUL - Whitehall Hotel, Church End, Broxted	129 - 138
	To consider application UTT/19/1932/FUL.	
8	UTT/18/3399/FUL - Thaxted Road, Saffron Walden	139 - 154
	To consider application UTT/18/3399/FUL.	
9	UTT/19/1301/FUL - Cambridge Road, Quendon	155 - 180
	To consider application UTT/19/1301/FUL.	
10	UTT/19/1527/FUL - High Street, Hatfield Broad Oak	181 - 196
	To consider application UTT/19/1527/FUL.	
11	UTT/19/1524/FUL - High Street, Hatfield Broad Oak	197 - 212
	To consider application UTT/19/1524/FUL.	
12	UTT/19/1823/FUL - Audley End Road, Saffron Walden	213 - 226
	To consider application UTT/19/1823/FUL.	
13	UTT/18/1027/FUL - Land to the East of Whiteditch Lane, Newport	227 - 238
	To consider application UTT/18/1027/FUL.	
14	UTT/19/2340/HHF - Blythwood Gardens, Stansted	239 - 244
	To consider application UTT/19/2340/HHF.	

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Telephone: 01799 510510

Fax: 01799 510550

Email: uconnect@uttlesford.gov.uk

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Agenda Item 2

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 16
OCTOBER 2019 at 2.00 pm**

Present: Councillor S Merifield (Chair)
Councillors G Bagnall, M Caton, P Fairhurst, R Freeman,
A Gerard, G LeCount, M Lemon, J Loughlin, R Pavitt, A Storah
and M Sutton

Officers in attendance: N Brown (Development Manager), R Davis (Temporary Development Management Planner), J Doe, A Mawson (Democratic Services Officer), M Shoesmith (Development Management Team Leader), E Smith (Solicitor) and C Tyler (Planning Officer)

PC52 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Councillor Fairhurst declared a non – pecuniary interest as a member of Saffron Walden Town Council.

Councillor Freeman declared a non – pecuniary interest as a member of Saffron Walden Town Council.

Councillor LeCount declared a non – pecuniary interest as a member of Henham Parish Council.

Councillor Bagnall declared a non – pecuniary interest as a member of Takeley Parish Council in relation to item number four.

Councillor Caton declared a non-pecuniary interest as his wife was the Chair of the Parish Council in relation to item number 11.

PC53 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting were agreed and signed as an accurate record subject to a request for an amendment from Councillor Storah which was agreed.

PC54 PUBLIC SPEAKING ARRANGEMENTS

The Chair updated the Committee on the pilot of the changes to the public speaking arrangements, she said that the changes had been well received and were working well in the meetings.

The Chair proposed the motion to take a report to the Governance, Audit and Performance Committee with a view to making the changes permanent, and to update the Constitution as a consequence.

Councillor Gerard seconded the motion.

RESOLVED to take the changes forward to the Governance, Audit and Performance Committee with a recommendation that the necessary amendment be made to the Constitution.

PC55 UTT/19/1583/FUL LAND TO THE SOUTH OF SCHOOL LANE, MOLEHILL GREEN, TAKELEY

The Development Manager advised the Committee that the five year land supply figure had been updated in April to 2.68 years; so that there was no need to correct each report presented.

The Planning Officer presented the report to the committee, the application was for the erection of eight three bedroom dwellings on land to the South of School Lane, Molehill Green, Takeley.

The application was recommended for approval with conditions.

The Planning Officer recommended that condition 13 be changed to read “or any other legislative requirements replacing the same condition at time of implementation”.

The members agreed with the officer’s recommendation to alter the condition in order to future-proof the development.

The members discussed development in the Countryside Protection Zone and there was agreement that this was a pivotal policy which should be upheld.

Councillor Bagnall proposed refusal of the application on the grounds that the site is in the Countryside Protection Zone (S8 of the adopted Local Plan).

Councillor Gerard seconded the proposal for refusal.

The motion was defeated.

Members noted that it was unusual to have such support from the community. It was also noted that the site already had outline planning permission.

Councillor Freeman asked that the officers confirm that the changes to conditions could be made in order to future proof the development.

The Development Manager confirmed the changes including changing the wording to ensure that the condition did not give the choice of the legislation to be implemented at the time of build.

Councillor Lemon proposed the motion to approve the application with the changes to the conditions to ensure that the standards in force at the time of implementation were applied to the development.

Councillor Pavitt seconded the motion.

RESOLVED to approve the application with the changes to the conditions as recommended by the Planning Officer.

S Kirby and J Durso spoke on the application.

PC56 **UTT/19/1725/FUL LAND AT ACRE CROFT, HIGH STREET, GREAT CHESTERFORD**

The Planning Officer presented a proposal for three new dwellings with associated garages with new access at land rear of Acre Croft (re-submission of previously approved scheme under references UTT/15/1424/OP and UTT/16/0328/DFO).

The application was recommended for approval with conditions.

The members discussed that the site location formed backland development and that it was therefore in contravention of policy H4 of the adopted Uttlesford Local plan. There was also discussion about the best use of the land and the housing mix, as well as the access to the site.

Councillor Fairhurst proposed the motion to refuse the application citing the adopted Local Plan policies: H4, H10 and GEN1.

Councillor Gerard seconded the motion for refusal.

RESOLVED to refuse the application.

Cllr N Gregory and N Taylor spoke on the application.

PC57 **UTT/18/2820/FUL LAND AT THAXTED ROAD, SAFFRON WALDEN**

The Planning Officer presented a proposal for the erection of 14 dwellings, comprising of seven one-bed flats, three two-bed flats, two three-bed houses and two four-bed houses including associated external works, with all dwellings to be provided as affordable housing.

The application was recommended for approval with conditions.

The members asked for confirmation from the officers in relation to the affordable housing status of the development. It was confirmed by the Housing Strategy and Operations Manager that all the properties would be affordable rent properties only in line with the Local Housing Allowance rents to allow for occupants to claim full housing benefit entitlements.

In response to a member question, the Housing Strategy Manager advised that the Housing Team had made the best use of land within the constraints of the site. Also, the best amenity and parking standards had been achieved.

Councillor Freeman proposed the motion for approval.

Councillor Gerard seconded the proposal.

RESOLVED to approve the application.

Cllr P Lees and J Snares spoke on the application.

PC58

UTT/19/1411/FUL ENDEAVOUR, LITTLEBURY GREEN ROAD, LITTLEBURY

The Planning Officer presented the Section 73A Retrospective application for the demolition of the existing garage and the proposed erection of two detached dwellings.

The application was recommended for approval subject to conditions.

The members raised concerns that the development of the second property (B) constituted backland development, and that the adverse impact of property B far outweighed the benefit. There were discrepancies raised in the distances between properties on the plans.

The members said that there was a perfectly serviceable property on the site and that the district was losing valuable bungalows in overdevelopments.

Councillor Fairhurst proposed refusal on the grounds of GEN2, GEN4, GEN7 and H4 of the adopted Local Plan.

Councillor Lemon seconded the proposal.

RESOLVED to refuse the application for the following reasons;

1. The development will result in inappropriate back land development and will include the introduction of dominant and intrusive built form out of character with the site and surrounding area. Therefore the proposal is not in accordance with ULP Policies H4, GEN2 and the NPPF.
2. The development will result in a loss of privacy and overlooking to neighbouring properties, having a harmful impact to amenity. The proposal is therefore in conflict with the aims of ULP Policy GEN2 and H4.
3. The proposed parking provision will result in a material increase in noise. Due to the location of the parking this will have a harmful disturbing impact to neighbouring

4. The proposed development will have a harmful, impact to wildlife and Biodiversity. The submitted ecology survey does not consider the wider area of the application site, therefore this is considered that insufficient information has been submitted. The proposal is in conflict with ULP Policy GEN7.

Cllr N Gregory, J Featherstone, B Featherstone, R Johnson, P Cafferkey and J Menell spoke on the application.

PC59

UTT/19/1054/OP LAND NORTH OF HENHAM ROAD, DEBDEN

The Planning Officer presented a proposal for Outline application with all matters reserved except access, for the erection of two detached dwellings and related infrastructure.

The application was recommended for approval subject to conditions.

Councillor Fairhurst proposed a motion to refuse the application, this motion was not seconded.

Councillor Freeman proposed a motion to defer the application for a site visit.

Councillor Fairhurst seconded the proposal.

RESOLVED to defer the application pending a site visit.

C Loone spoke on the application.

PC60

UTT/19/0761/FUL RAILWAY ARMS, STATION ROAD, SAFFRON WALDEN

Councillor Bagnall left the room for two minutes during the Officer's report.

The Development Management Team Leader presented the proposal for a single storey rear extension to create new access and accessible WC, including internal alterations to the layout of the public house, relocation of the external fire escape from the side elevation to the rear elevation and landscaping works including a raised decking area with pergola and new gates.

The application was recommended for approval subject to conditions.

The members raised concerns about the reduction in carpark that these developments would create, pushing the staff and customers out into the surrounding streets for parking and, potentially causing a nuisance to residents and an increase in risk to pedestrians.

The members were also concerned about the loss of the garden which in its urban location is unique and valuable to the character of the area.

The meeting was adjourned 17:42 and reconvened 17:47

Councillor Fairhurst proposed refusal of the application on the grounds of GEN8 of the adopted Local Plan and paragraph 1.85 of the National Planning Policy Framework.

Councillor Gerard seconded the proposal.

RESOLVED to refuse the application.

Cllr B Light, D Kenny, R Eastman, J Hales and G Perry spoke on the application.

PC61 **UTT/19/1995/FUL FRY ART GALLERY 19A CASTLE STREET SAFFRON WALDEN**

The Planning Officer presented the proposal for the demolition of the existing extension and non-historic elements and erection of single storey extension and alterations to the gallery building and boundary wall.

The application was recommended for approval subject to conditions.

Members discussed that this was a very important asset to Saffron Walden and that the application was one that was sensitive to the area and building.

Councillor Freeman proposed approval of the application in line with the officer recommendations.

Councillor Fairhurst seconded the proposal.

RESOLVED to approve the application.

D Oleman and J Ready spoke on the application.

PC62 **UTT/19/1253/FUL MILLWAY STATIONERY LTD, CHAPEL HILL, STANSTED**

The Planning Officer presented the proposal for a change of use from B1/B8 and ancillary retail space to B2 (car garage).

The application was recommended for approval subject to conditions.

In response to a member question, the Development Manager said that a weight limit could not be enforced on the access road.

The Development Manager also confirmed that the new classification was specified as B2 (Car Garage) so that permission would need to be sought to alter this, and wasn't a blanket 'General Industrial' classification.

Councillor Caton proposed the motion to approve the application.

Councillor LeCount seconded the proposal.

RESOLVED to approve the application.

J Kavanagh, C Dean and D Hutley spoke on the application.

PC63 **UTT/19/1463/FUL LAND AT ROBELS, CUTLERS GREEN, CUTLERS GREEN LANE, THAXTED**

The Planning Officer presented the proposal for the demolition of existing dwelling, garage and stables and erection of replacement dwelling complete with infrastructure and access.

The application was recommended for refusal.

Councillor Loughlin proposed deferral for a site visit.

Councillor LeCount seconded the proposal.

RESOLVED to defer the application pending a site visit.

PC64 **UTT/19/1869/HHF 33 STATION ROAD WENDENS AMBO SAFFRON WALDEN**

The Planning Officer presented the proposal for a vehicle crossing and hardstanding.

The application was recommended for approval subject to conditions.

Councillor Lemon proposed the motion to approve the application.

Councillor Fairhurst seconded the proposal.

RESOLVED to approve the application as per the recommendation.

PC65 **UTT/19/1870/HHF 35 STATION ROAD WENDENS AMBO SAFFRON WALDEN**

The Planning Officer presented the proposal for a vehicle crossing and hardstanding.

The application was recommended for approval subject to conditions.

Councillor Pavitt proposed the motion to approve the application.

Councillor Gerard seconded the proposal.

RESOLVED to approve the application as per the recommendation.

PC66 **CHIEF OFFICER'S REPORT UTT/19/2398/TCA; LAND AT 2 BARLEY HALL COTTAGES, PARSONAGE DOWNS, GREAT DUNMOW**

The Development Manager advised the Committee of the Notification of intent to fell 1no. Norway spruce tree at No.2 Barley Hall Cottages, Parsonage Downs, Great Dunmow.

The recommendation was for no objection to the proposed felling of the tree.

Councillor Caton proposed a motion to accept the recommendation.

Councillor Storah seconded the proposal.

RESOLVED to accept the officer's recommendation.

PC67 **CHIEF OFFICER'S REPORT UTT/19/2451/TCA LAND AT COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN**

The Development Manager advised the Committee of the Notification of intent to fell 1No. mountain ash tree in the grounds of the Council Offices, London Road, Saffron Walden.

The recommendation was for no objection to the proposed felling of the tree.

Councillors Freeman, Fairhurst and Gerard raised objections to the felling of the tree and sited that it being a poor specimen was not grounds for it to be felled.

Councillor Fairhurst proposed a motion to object to the felling of the tree.

Councillor Gerard seconded the proposal.

RESOLVED to object to the felling of the tree.

Meeting close 7:05pm

Agenda Item 3

UTT/19/1054/OP
(Applicant Relative of UDC Staff Member)

Deferred for site visit

PROPOSAL: Outline application with all matters reserved except access for the erection of 2 no. detached dwellings and relates infrastructure.

LOCATION: Land North Of Henham Road, Debden

APPLICANT: Ms Barbara Bonham

AGENT: Springfields Planning and Development

EXPIRY DATE: 8th November 2019

CASE OFFICER: Chris Tyler

1. NOTATION

1.1 Outside Development Limits,

2. DESCRIPTION OF SITE

2.1 The application site relates to a plot of land to then north of Henham Road in Debden Green. To the south and east of the site are a number of dwellings, to the north of the site is open agricultural land.

3. PROPOSAL

3.1 This application seeks outline planning permission with all matters reserved except access for the erection or two detached dwellings and associate infrastructure.

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 applicant has provided a planning statement in support of the planning application to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way. The proposal includes self-build dwellings, however the development will assessed against the appropriate planning

policies as set out in paragraph 7.3 of the report.

Also submitted with the application is a completed biodiversity checklist.

6. RELEVANT SITE HISTORY

- 6.1 There are no planning applications linked to this proposal.

7. POLICIES

7.1 National Policies

National Planning Policy Framework (2019)

7.2 Uttlesford Local Plan (2005)

Policy S7 –The Countryside
Policy GEN2 – Design
Policy GEN1- Access
Policy GEN7 - Nature Conservation
Policy H9- Affordable Housing

7.3 Supplementary Planning Documents/Guidance

N/A

8. PARISH COUNCIL COMMENTS

- 8.1 A section 106 agreement should be placed on the paddock restricting further development (the owner attended a Parish Council meeting and confirmed that she would be happy with this, if it is legally possible. She would not like to see other houses built on the paddock).

The Parish Council raised a concern on the quality and time to build self-build projects (the second plot being sold for a self-build development) as evidenced on the site 200 yards down the lane in Debden Green.

The proposal will add extra traffic.

There is a fear of sporadic development at Debden Green without any planning oversight by UDC post planning permission gained by developers.

9.0 CONSULTATIONS

The Highways Authority

- 9.1 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 the development the visibility splays, as shown on DWG no. DR1 (dated 31/07/2019), shall be provided and retained free of any obstruction in perpetuity. Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.
2. Prior to the occupation of any of the proposed dwellings, the proposed private

drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate vehicular crossing of the verge. Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

3. 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.

ECC Ecology

- 9.2 No objections made or further recommendations made

National Grid

- 9.3 No Objections

10 REPRESENTATIONS

- 10.1 3 Objections received, comments include:
Loss of green space
Many houses within the area have been significantly extended
Impact to highway safety
Loss of paddock land
The proposal will change the character of the village
The proposal will result in a precedent for future development
The application should include a Section 106 legal agreement to restrict further development

All material planning consideration will be made in the following report,
Planning precedent is not a material consideration,
The use of a Section 106 agreement to restrict further development of the site will not be appropriate, further development of the site would be assessed through the submission of a planning application.

11 APPRAISAL

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

- A The principle of the development of this site, design (ULP Policies S7,GEN2, NPPF, SPD Accessible Homes and Playspace);
 - B Access to the site (ULP Policy GEN1);
 - C Nature Conservation (ULP Policy GEN7)
 - D Affordable Housing (ULP Policy H9)
 - E Any other material considerations
- A The principle of the development of this site, design (ULP Policies S7,GEN2, NPPF, SPD Accessible Homes and Playspace);**

- 11.1 The site is outside of the development limits (ULP Policy S7). ULP Policy S7 states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to the rural area, with development only being permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
- 11.2 Although it could be argued the proposal by virtue would fail to comply with Local Plan Policy S7, it is also recognised that the NPPF sets out applicable national planning policy in relation to sustainable development and housing in rural areas. It has also been found that Local Plan Policy S7 is only partly consistent with the NPPF, due to its protective approach, the following paragraph sets out the assessment of the principle of the development in regards to the NPPF.
- 11.3 The site is with Debden Green and to and although outside of the development limits I do not consider the site to be isolated, this is supported by recent case law Braintree DC v SSCLG [2018] EWCA Civ. 610 which considers the definition of an isolated dwelling, and gives further clarification to its definition. That being said the proposal should also accord with the sustainable elements of the NPPF as set out in the following paragraphs.
- 11.4 As identified in the most recent housing trajectory document (Oct 2019) demonstrate 2.68 years housing supply. In terms of housing delivery, nationally available figures indicate that delivery was 147% over the past 3 years, the Council is therefore unable to demonstrate a deliverable 5 year supply of housing land. For the present time, the Council is therefore unable to demonstrate a deliverable 5 year supply of housing land.
- 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). This means that applications for sustainable development outside development limits may need to continue to be granted where appropriate to ensure the level of housing supply is robust and provides a continuous delivery of housing. Moreover the proposal should be considered against the three strands of sustainable development including; economic, social and environmental.
- 11.6 Economic:
The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. The development will deliver a small economic role by the creation of a small amount of employment during the construction phase and the occupiers of the house would contribute to the local economy in the long term, as such there would be some, but limited, positive economic benefit.
- 11.7 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. In terms of the proposed development and in relation to the social aspect of sustainable development, the site is within walking/cycling distance to other parts of Debden Green. There are also bus stops within walking distance at Bolford street serve by a regular bus

service to enable travel to neighbouring villages and towns. The proposal would make a small contribution towards the delivery of the housing. Due to the location of the application site it is considered not to be socially isolated and that the proposed development would be able to perform a social role and meet the social strand of sustainability. This is consistent with other recently approved development within Debden Green and close to this location.

11.8 Environmental:

Paragraph 170 (b) of the NPPF advises planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, as such the following paragraphs make due consideration to this.

- 11.9 The application site is included in the cluster of dwellings at the junction of Henham Road, this character is considered to significantly contribute to the rural appearance of the area and its surroundings. As such it is considered the introduction of two dwelling at this point would form part of the cluster of dwellings and built form found at this part of Debden Green. The dwellings would sit adjacent the property of Barnards Cottage and although would include some built form into the countryside this would be marginal and will not result in significant encroachment or impact to the open rural character of the site or land beyond the application site.
- 11.10 From the rear of the neighbouring property (Bannock) to the west of the application site and the neighbouring property to the east of the site (The Firs) the north of the highways has an open rural appearance for approximately 0.25miles. However the introduction of the dwellings will be tacked onto the small cluster of dwellings and the open rural appearance to the north of Henham Road will remain. Furthermore, to the east of the application planning permission has been recently approved for two dwellings (UTT/19/1626/FUL), the siting of the approved application and this currently application clearly demonstrates the development will not infill this open plot/ area to the north of Henham Road.
- 11.11 Therefore this residential development and introduction of dwellings on the site, will not result in a harmful intensification of use or detrimentally erode the open and rural character of the surrounding countryside. The proposal will include an access drive from the existing highway access. Although this will be sited to the north Henham Road the driveway will set behind the current highway vegetation, as such the access and drive will have minimal impact to the character of the site and street scene.
- 11.12 The scale, design, appearance and landscaping of the dwelling are reserved matters and as such an assessment cannot be made in this outline application. That being said if this outline application is approved due consideration should be made to ensure the reserved matter details are compatible with the character and setting of the site.
- 11.13 For the detailed and specific reasons set out above, the development proposed and in the context paragraph 7 of the Framework is sustainable in regards to the social, economic and environmental objectives. Due to the lack of a 5 year housing supply due weight should be given in the determination of the development, advised in paragraph 11 of the NPPF. Although the introduction of two dwellings is not a significant contribution to a 5 year housing supply the harm to the site and its surrounding is not considered harmful and therefore concluded to be a positive contribution.

11.14 As such from the above assessment it can therefore be concluded that the principle of the development is will not be harmful to the character of this part of the open rural countryside therefore not contrary to paragraph 170 of the NPPF and Policies S7 and GEN2 of the adopted Local Plan (2005).

B Access to the site (ULP Policy GEN1);

11.15 The proposal will be served by the existing access to the site, the Highways Authority have been consulted no objections or further recommendations have been. As such it is considered the development accords with ULP Policy GEN1.

C Nature Conservation (ULP Policy GEN7)

11.16 ULP 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.

The application includes a completed biodiversity checklist, this has been checked during the case officer's site visit. The checklist does not give rise to the requirement of further ecology surveys or reports.

Essex county Council Ecology has been consulted no objections or further recommendations have been made have been made. It is therefore unlikely the proposed development will have harmful impact to adverse impact on protected species caused and therefore complies with Policy GEN7

D Affordable Housing (ULP Policy H9)

11.17 The proposal would not give rise to a requirement for a contribution towards affordable housing provision as set out under local plan policy H9, furthermore due to recent changes to the National Planning Practice Guidance (NPPG) affordable housing contributions will no longer be imposed on development schemes of 10 or less dwellings, unless the floor-space of the proposed development is 1000sqm or more.

E Any other material considerations

11.18 Any other material considerations

The following policies are included in the emerging Local Plan submission and therefore have been considered in the assessment of the application; these policies hold some limited weight.

D1- High Quality Design
SP10 Protection of the countryside
TA1- Accessible Development
EN8- Protecting the natural environment

12. CONCLUSION

12.1 The application for outline planning permission with all matters reserved accept access accords with the development plan, NPPF. It is therefore recommended that permission be granted.

RECOMMENDATION- APPROVE SUBJECT TO CONDITIONS

Conditions

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

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

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

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

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

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

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

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

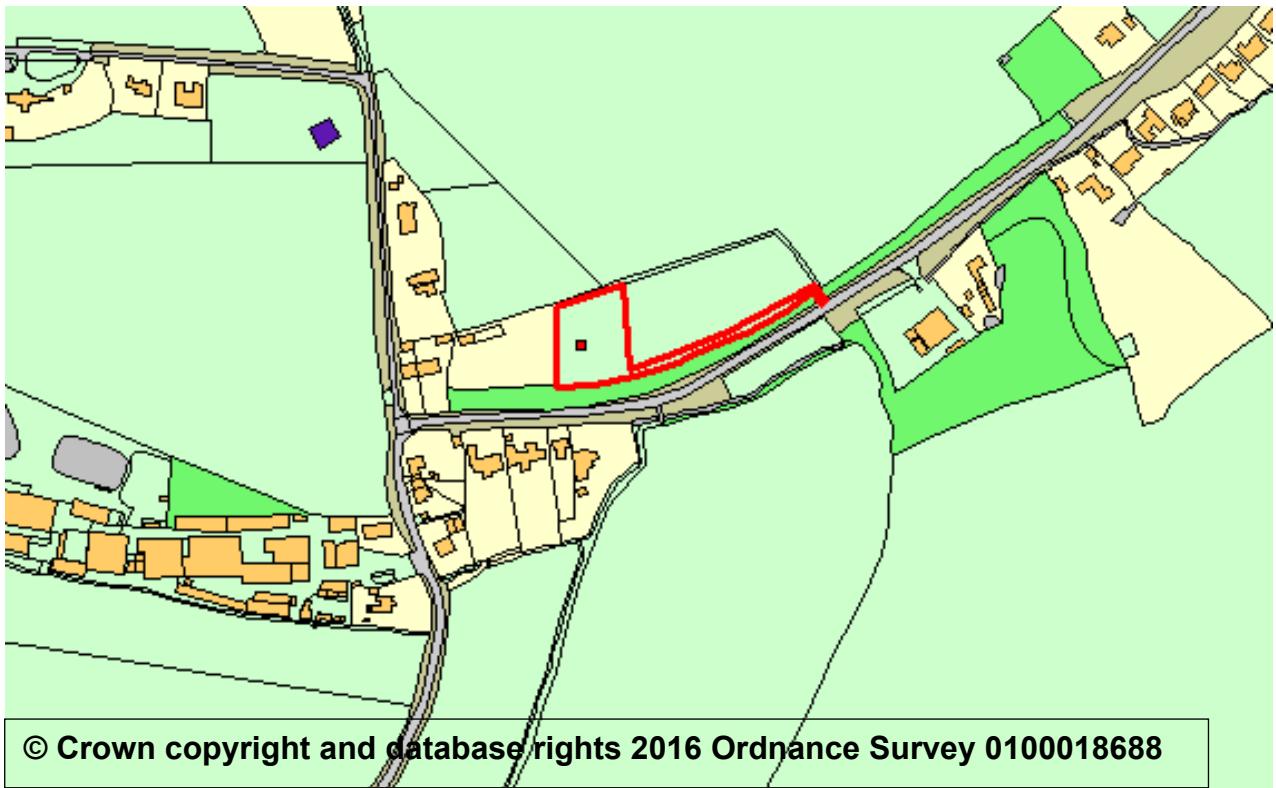
- 5 Prior to occupation of the development the visibility splays, as shown on DWG no. DR1 (dated 31/07/2019), shall be provided and retained free of any obstruction in perpetuity.

REASON To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety and in accordance with ULP Policy GEN1.

- 6 Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate vehicular crossing of the verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the

highway, in the interests of highway safety and in accordance with ULP Policy GEN1.



Organisation: Uttlesford District Council

Department: Planning

Date: 18th October 2019

Agenda Item 4

The application below was previously deferred for a Councillors' site visit

UTT/19/1463/FUL (THAXTED)

(Referred to Committee by Cllr Tayler if recommendation is refusal. Reason:) Proposal is an appropriate development in a rural setting.

PROPOSAL: **Demolition of existing dwelling, garage and stables and erection of replacement dwelling complete with infrastructure and access**

LOCATION: **Land At Robels, Cutlers Green, Cutlers Green Lane, Thaxted**

APPLICANT: **Mr & Mrs Ian & Karen Westlake**

AGENT: **Mr Chris Loon**

EXPIRY DATE: **14 August (Extension of time until 20 September)**

CASE OFFICER: **Jonathan Doe**

1. NOTATION

- 1.1 Outside settlement limits
To the north of the site both sides of the road, both verges of the highway, are Special Verges.

2. DESCRIPTION OF SITE

- 2.1 The site is a parcel of land on the northeastern side of Cutlers Green Road to the south of a junction of a track leading to Millhill Farm with Cutlers Green Lane. There is a mature hedge along this part of Cutlers Green Road adjoining and forming a part of the site. The site has a house at its southern end, a garage at a central part and behind the garage a stable building.
- 2.2 To the north is a horse paddock. There is a house on the opposite side of the road and another house further north. To the southeast is a ribbon of housing on the north eastern side of the road and then housing enclosing the green at Cutlers Green.
- 2.3 Cutlers Green is a small linear settlement of loose dwellings that lies approximately a mile to the north-west of Thaxted village.

3. PROPOSAL

- 3.1 Demolition of existing dwelling, garage and stables and erection of replacement dwelling complete with infrastructure and access.
- 3.2 Robels is a semi-detached house with a wide plot running parallel with Cutlers Green Road. To the side of the house are three buildings, one of which has a lawful use as a residential use, which would be demolished to enable a detached house to be erected.
- 3.3 The house would be two-storey with a pitched roof .The house would be some 4.5m to the eaves and with a maximum height of 6.5m to the ridge. The timber cladding to

the walls and slate roof could read from a distance as an agricultural structure although sizeable fenestration, in particular glazing running up to eaves level of an asymmetric front gable, would weaken such an impression.

- 3.4 The proposed house would be set back from the road. A front bay would be some 6m from the frontage of the site and the main side to side bay would be some 12m from the site frontage.

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. APPLICANT'S CASE

- 5.1 The application documentation includes a drainage plan; a report assessing views of the site in the landscape; a completed biodiversity validation checklist and a preliminary ecological appraisal incorporating a bat survey inspection; and, a planning, design and access statement. The planning statement includes the points that there is a bus service for Cutlers Green and that Thaxted is about a mile away.
- 5.2 The planning, design and access statement refers to how the dwelling would incorporate sustainability features including photovoltaic panels and an air source heat pump.

6. RELEVANT SITE HISTORY

- 6.1 Planning permission, UTT/1007/98/FUL, was granted for a garage in 1998. In 2006 planning permission, UTT/0172/06/FUL, was granted for a two-storey rear extension to the garage. In 2009 planning permission, UTT/0742/09/FUL, was granted to change the garage to a home office. The building which had originally been a garage was the subject of an application for a certificate of lawfulness for an existing use of an annexe as separate residential dwelling. This use was deemed lawful in 2017.

7. POLICIES

Uttlesford Local Plan (2005)

S7 - The Countryside
GEN1 – Access
GEN2 – Design
GEN7 - Nature Conservation
GEN8 - Vehicle Parking Standards
ENV7 - Protection of Natural Environment – Designated Sites
ENV15 - Renewable Energy
H7 - Replacement dwellings

Supplementary Planning Documents/Guidance

Accessible Homes and Play Space

National Policies

Other Material Considerations

Great Dunmow Neighbourhood Plan 2015 – 2032

ECC Parking Standards

UDC Parking Standards

Essex Design Guide (2018 version)

8. TOWN COUNCIL COMMENTS

- 8.1 RESOLVED to SUPPORT with a recorded vote: on the following conditions:
For: Cllr's: Spencer, Knight, Howells, Frater, Brazier, Frostick, Barrington. (7)
Against: Williams, Morgan 1 vote The Neighbourhood Plan delivery Group (3)
On the conditions that, we Note that This dwelling is situated within an area of sensitive landscape as denoted in the Neighbourhood plan. On the provision that this is not in contravention of the Thaxted Neighbourhood Plan and any of its Policies, in particular TX LSC1 & 2&3 and THXD1 & TX LSC4 including any of the policies contained within the Uttlesford Local Plan such as policy S7 of the Local Plan.

9. CONSULTATIONS

Ecology

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

Conditions recommended regarding:

- Implementation of ecological mitigation and enhancement works
- Wildlife sensitive lighting scheme

Natural Sciences Officer & Uttlesford Special Roadside Verges Coordinator

- 9.2 The site is adjacent to a designated Special Roadside Verge Site. UDC policy ENV7 applies.
UTT19C Cutlers Green Special Roadside Verges are on the west and east sides of sides of Bolford Street between grid references TL589313 - TL591311. The Cutlers Green West verge ends by the field track at the side of Mill Cottage. The Cutlers Green East verge ends at the road entrance to Mill Hill Farm. The ends of the special verges were marked with wooden posts and white plaques with arrows pointing in the direction that the verges run (→ and ←) and the words ROADSIDE NATURE RESERVE MANAGED FOR WILDLIFE Essex Wildlife Trust 01621 862980 Essex County Council 01245 437655. However I found during a recent visit to the verge sites that the posts marking the southern ends of the west and east verges had both disappeared. A map of the special verge sites is attached to the email with this response. The verges extend further than shown in the diagram Fig.1, section 4.1.2. of the Preliminary Ecological Appraisal. These verges support species rich chalk grassland. The rich flora on the verges includes Nationally Scarce Plant Sulphur Clover Trifolium ochroleucon and a wide range of other chalk grassland plants: Agrimony, Bird's-foot Trefoil, Black Medic, Creeping Buttercup, Meadow Buttercup, Common Knapweed, Greater Knapweed, Great Willowherb, Hedge Bedstraw, Lady's Bedstraw, Meadowsweet, Meadow Vetchling, Restharrow, Ribbed Melliot, Silverleaf, Sweet Cicely, Tufted Vetch, Wild Onion and Yarrow This habitat is now very rare in the UK. 97% of this grassland had been destroyed in

England and Wales by 1984 and losses have continued since that time. The Special Roadside Verges scheme for Essex seeks to safeguard the last verge sites in the county where rare plants still grow.

I do not object to this application if a condition is put in place to protect the special verges from damage during the period of construction, if development is approved. For example;

"No development shall commence until the developer provides a Construction Management Plan which includes the requirements that:

1. All construction operatives are to be made aware of the location of the special verges.
2. The special verges are not to be used for storage of construction materials.
3. Construction vehicles should not drive onto the special verges or park on them.
4. If it is not possible to comply with points 2 and 3 a membrane is to be used to protect the special verges adjacent to the site entrance. Such that 'Development shall not commence until a membrane has been laid down to protect the special roadside verges on the west and east sides of Cutlers Green Lane. Membrane to be laid over the verge for 25 metres from ends of the special verges, which are adjacent to Mill Cottage on the western side of the road and adjacent to the entrance to Mill Hill Farm on the eastern side of the road.'
5. No topsoil or other material is to be added to the special verges.
6. No mowing of the special verges is to be carried out by construction operatives.

10. REPRESENTATIONS

- 10.1 A site notice was posted and 11 letters were sent to occupiers of neighbouring properties. 4 written representations were received which make the following points:
- Good design
 - The parcel within which the site sits was specifically identified within the Neighbourhood Plan as an area with the highest sensitivity to change and the least able to accommodate new development.
 - Appears to be to a similar scale to the house on the opposite side of the road and with similar design cues
 - Screened by the existing landscape.
 - Would replace a mix match of buildings and create a much more appealing and well-designed single sustainable building and enhance the setting.
 - A neutral impact on the landscape as it would be barely visible (as the existing buildings are currently) from any viewpoint around the rural setting of Thaxted.

11. APPRAISAL

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

- A Principle of development, effect of the proposal on the character and appearance of the area and location of the site with regard to the principles for sustainable development (Policies S7 and H3, Thaxted Neighbourhood Plan);
- B Impact on protected/ priority species and other biodiversity issues (Policies GEN7 and ENV7);
- C Impact to neighbours (Policy GEN2)
- D Whether the house would provide sufficient amenity to future occupiers (Policy GEN2)
- E Car parking and highway access (Policies GEN1 and GEN8)
- F Other matters

- A Principle of development, effect of the proposal on the character and appearance of the area and location of the site with regard to the principles for sustainable development (Policies S7 and H3, Thaxted Neighbourhood Plan);**
- 11.1 The proposal is located outside any defined settlement limit. The centre of Thaxted is about a mile away as the crow flies. Within such a locality Policy S7 is relevant. Policy S7 seeks to protect the countryside for its own sake. However, part of the text of Policy S7 states that planning permission will be given for development that is appropriate to a rural area. Within such a locality as the application site development will be permitted if its appearance protects the particular character of the part of the countryside within which it is set.
- 11.2 It is considered that the character of this particular part of the countryside is that of the edge of a cluster of ribbon development where the vehicular access to Millhill Farm House forms something of a boundary after which to the northwest the character changes to that of open countryside defined by agricultural fields. To the southeast is a continuous, though low density, run of more than a half a dozen residential properties. These properties are of a modest scale.
- 11.3 There is a mature natural hedge with mature trees interspersed along it set a short way back from the carriageway edge. This would provide a screen to the ground floor with the trees partially obscuring the first floor and roof. This length of vegetation would limit the visual impact of the proposal from the road but the impression of a built form would be perceived. The extent of first floor glazing and the two front bays would detract from the otherwise barn-like nature of the proposed house. Furthermore, the southeast elevation would be seen in an oblique view from a length of the road as there would be an isolation distance of some 30m between the existing built form of the house at Robels and the proposed built form. The eastern side elevation, visible in views from the southeast, would feature a glazed gable and the side of a front bay. The very shallow pitch, some 30 degrees, to the roof of the eastern front bay would be visible in such a view.
- 11.4 It is considered that the proposal would have a material adverse effect to the appearance and character of the site and its setting by introducing a two-storey built form into the countryside. As such it is fundamentally contrary to the requirement of Policy S7 to protect or enhance the character of the countryside. It is considered that the proposal is essentially contrary to the National Planning Policy Framework which, whilst advocating good design, also expects developments to fit in with the overall form and layout of their surroundings and be sympathetic to local character history including the surrounding built environment and landscape setting (Section 12).
- 11.5 Policy H3 is not directly relevant in that the proposal would not generally be considered to be infilling in that it would not occupy a gap between built forms. Furthermore, Policy H3 requires development to be compatible with the character of the settlement and its countryside setting. It is considered that the scale of the proposed dwelling would be incompatible with the modest scaled original ribbon development and one-and-a-half scale dwellings to the southeast of the site. The proposed sizeable detached house with no clearly defined frontage to the road would not fit the pattern of existing built forms.
- 11.6 With regard to Policy H7, which is concerned with replacement dwellings, the

proposal is considered unacceptable in that it would not be in character with neighbouring properties. Its immediate neighbours would be Robels and Bluebell Cottage which is a semi-detached pair.

- 11.7 At paragraph 17 of the SPD for replacement dwellings it is stated "If the property you want to replace forms part of a group of houses which stand together in the countryside the new house should be in scale and character with neighbouring properties in terms of height and volume." The volume of the proposal would be significantly greater than that of neighbouring properties and this discrepancy would be visible.
- 11.8 The design includes a balcony at first-floor level across the rear elevation of the house. This would provide distant views to the north and by the same token the balcony and the silhouette of the built form of the house behind the balcony would be seen from far away. To the north of the site are public rights of way, including part Harcamlow Way. The house would detract from the appearance and character of the countryside in which the site is set by introducing a sizeable and somewhat squat two-storey built form visible from public vantage points to the north of the site.
- 11.9 The site is situated within a relatively sustainable location along a C classified road which has a regular bus service connecting Debden and Thaxted and beyond whereupon the principle of development was not considered to be an issue with regard to location for approved planning application UTT/18/0851/FUL for a new dwelling, now known as Swallows Cottage.
- 11.10 In conclusion with regard to the principle of development, the nature of the proposal is such that it would not protect the particular character of the part of countryside within which it would be set and there are no special reason why the development in the form proposed needs to be there.

B Impact on protected/ priority species and other biodiversity issues (Policies GEN7 and ENV7);

- 11.11 A Preliminary Ecological Appraisal incorporating a bat survey inspection forms part of the planning application documentation. Essex County Council, Place Services, Ecology has been consulted on the application and a written response received to the effect that no objection is raised subject to conditions being imposed on any planning permission. Accordingly the proposal is considered acceptable with regard to Policy GEN7.
- 11.12 With regard to Policy ENV7, specialist advice has been received from the Natural Sciences Officer & Uttlesford Special Roadside Verges Coordinator. This confirms that the site is adjacent to a designated Special Roadside Verge Site. However, the site does not directly adjoin a Special Verge; the nearest designated Special Verge commences the far side of the track to Millhouse Farm House. Nevertheless, the written advice of a specialist advisor makes clear how the habitat of the Special Verge is now very rare in the UK. 97% of such grassland had been destroyed in England and Wales by 1984 and losses have continued since that time. The Special Roadside Verges scheme for Essex seeks to safeguard the last verge sites in the county where rare plants still grow. Specialist advice on this matter does not object to this application if a condition is put in place to protect the special verges from damage during the period of construction, if development is approved.
- 11.13 Accordingly the proposal is considered acceptable with regard to Policy ENV7 subject to a condition to any planning permission that a construction management

plan, with requirements to protect the Special Verge, would be provided to the local planning authority.

C Impact to neighbours (Policy GEN2)

- 11.14 The east side elevation would face toward the rear garden of Robels and other rear gardens of residential properties to the southeast. However, the detailed design has taken this into account by glazing on this elevation being an obscure glazed window or high-level windows; windows with a sill height just above eye level. The orientation and isolation distances of the proposed house are such that there would be no material adverse impact to any neighbour.
- 11.15 The proposal is considered acceptable with regard to Policy GEN2, impact to neighbours, although any planning permission should be subject to a condition to remove Permitted Development rights to ensure that the detailed design remain such that no overlooking would occur to neighbours.

D Whether the house would provide sufficient amenity to future occupiers (Policy GEN2)

- 11.16 The property would have a private amenity area, set to the side of the house but screened from the road by the vegetation along the road, of some 400 sq m. The proposal is considered acceptable with regard to Policy GEN2, provision to meet reasonable needs of potential users.

E Car parking and highway access (Policies GEN1 and GEN8)

- 11.17 The proposed house would use an existing vehicular access to the highway. The local highway authority was consulted on the application with a response being requested 12th July 2019. No response has been received to date. Given that no new access would be created, it is considered that the proposal is acceptable with regard to Policy GEN1.
- 11.18 The plans show that the proposed four-bedroom house would have a gravel area of a sufficient size for three car parking spaces. The proposal would be acceptable with regard to Policy GEN8.

F Other matters

- 11.19 This design, by a Chartered Architect, incorporates sustainability features; principally an air sourced heat pump and PV panels. This is welcomed and in accord with Policy ENV15.

12. CONCLUSION

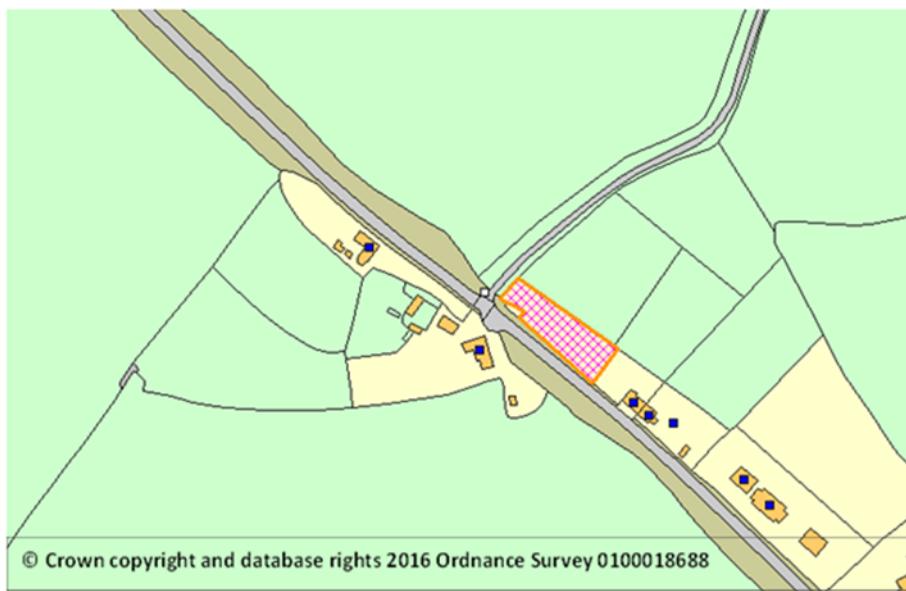
The following is a summary of the main reasons for the recommendation:

- A** The proposal would detract from the rural character of the setting of the site by the nature of its scale and form. The site is in a reasonably sustainable location.
- B** The proposal is acceptable with regard to nature conservation
- C** There would be no material adverse impact to neighbours
- D** The house would provide sufficient amenity to future occupiers
- E** Car parking and highway access are acceptable
- F** Sustainability features to the design are welcomed

RECOMMENDATION – REFUSAL

Reason

1. The proposal; by virtue of by reason of the introduction of a substantial built form with a character and positioning which would be at odds with that of neighbouring residential development to the southeast; would have a significant adverse effect on the streetscene and character and appearance of the area. As such the proposal would be contrary to Policies S7, GEN2 and H7 of the adopted Uttlesford Local Plan and also Policies TXLSC1, TXLSC2, TXLSC4 and TXHD1 of the made Thaxted Neighbourhood Plan and the provisions of the National Planning Policy Framework to add to the overall quality of an area.



Organisation: Uttlesford District Council

Department: Planning

Date: 07 October 2019

Agenda Item 5

UTT/19/0462/FUL - ELSENHAM

(MAJOR APPLICATION)

PROPOSAL:	Full planning application comprising a residential development for 130 dwellings (including affordable housing); the provision of open space; play areas; car parking; new pedestrian linkages; landscaping and ancillary works, with access off Hall Road, and the change of use of 0.371ha of agricultural land for educational use.
LOCATION:	Land West Of Hall Road Elsenham Essex
APPLICANT:	Bovis Homes Ltd.
AGENT:	Mr J Lieberman
EXPIRY DATE:	24 th June 2019. EOT 20 th November 2019
CASE OFFICER:	Madeleine Jones

1. NOTATION

- 1.1 Outside Development Limits. Countryside Protection Zone. Adjacent to Listed Building. Tree Preservation Area. Archaeological Site. Partly within flood Zones 2 and 3. Within 6km of Stansted Airport. Public Rights of Way. Within 100m of Local wildlife Site (Elsenham Hall Fields)

2. DESCRIPTION OF SITE

- 2.1 The site is located on the southern side of Elsenham and forms an area of agricultural land bounded by Hall Road to the east and wraps around The Old Vicarage (a Grade two Listed Building) which is excluded from the application site. The railway line, which is in a cutting forms the western boundary and the Elsenham Church of England Primary School forms the northern boundary. The southern boundary of the site is bounded by Stansted Brook.
- 2.2 The site itself is irregular in shape over an area of 6.66 hectares.
- 2.3 The land slopes in a southerly direction down to the brook and contains a number of trees, mainly to the south east and along the brook. The trees along the southern boundary adjoining the brook are covered by a Tree Preservation Order.
- 2.4 An existing access from Hall Road in to the site extends along the northern boundary of the Old Vicarage between that property and the Old Vicarage Cottage. This access also serves the existing dwelling immediately to the north, Old vicarage cottage and there is an extant outline planning permission (UTT/18/0804/OP) for three dwellings to the rear of Hedgerows, Hall Road which also would have access off the application access road.
- 2.5 The site is relatively open with no established built form.

2.6 A public footpath extends from this access in a south-westerly direction across the site and thereafter leaves the site in three different directions.

3. PROPOSAL

- 3.1 The proposal is for the erection of 130 dwellings, the provision of open space, play areas, car parking, new pedestrian linkages, landscaping and ancillary works, with access off Hall Road, and the change of use of 0.371ha of agricultural land for educational use.
- 3.2 The proposal includes the provision of 40% affordable housing (52 dwellings). The affordable housing would be split into Affordable Rent and Affordable shared ownership.
- 3.3 The proposed residential mix comprises a mix of housing types, including bungalows, flats, and houses. A table is attached at the end of the report with a breakdown of the mix.
- 3.4 In addition to the proposed housing, the proposal is for the change of use of 0.371ha of agricultural land for educational use.
- 3.5 All dwellings meet the recommended parking standards.
- 3.6 All dwellings would have private or shared amenity space.
- 3.7 An area of public open space (100sqm) in the form of a L.A.P and an area of 400sqm in the form of a L.E.A. P are included in the proposal.
- 3.8 There would be 36 visitor parking spaces provided.
- 3.9 Access would be from the existing vehicular access onto Hall Road, with a further emergency access to the south east of the site, which would be used as a pedestrian access onto Hall Road.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The proposed development falls within category 10(b) of Schedule 2 of the EIA Regulations 2017. A screening request was submitted UTT/18/2381/SCO and it was confirmed that the proposed development was likely to give rise to significant environmental effects on the environment and that an Environmental Impact Assessment was required to be submitted with any application. The topics for inclusion in the Environment Statement were Transport, Air Quality, Socio-Economics and Health.

5. APPLICANT'S CASE

- 5.1 The application is supported with the following accompanying documents:
- 5.2 Environmental Impact Assessment (incl. Air Quality Assessment)
Flood Risk Assessment
Heritage Impact Assessment
Planning Statement
Statement of Community Involvement
Transport Assessment

Arboricultural Impact Assessment including tree survey schedule and Tree protection Plan
Archaeological Written Scheme of Investigation
Archaeological Post- Excavation Assessment and Updated Project Design Report
Design and Access Report
Ecological surveys,(including water vole and otter survey)
Preliminary Ecological Appraisal and Reptile Mitigation Strategy
Site Investigation Report
Landscape and Visual Impact Assessment
Landscape and Ecological Management and Maintenance Plan
Noise Impact Assessment
Onsite Civil Engineering Infrastructure Statement.

6. RELEVANT SITE HISTORY

- 6.1 UTT/13/0177/OP: Erection of up to 130 dwellings with associated green space, play areas, land for educational use and other ancillary works. All matters reserved except for access. (Approved subject to conditions and S106 Legal Obligation)
- 6.2 UTT/16/1861/DFO: Details following outline application UTT/13/0177/OP for the erection of 116 new build dwellings including 47 affordable dwellings, open space, play areas, land for education use and other ancillary works – details of appearance, landscaping, layout, and scale. (Refused and dismissed at appeal.)
- 6.3 UTT/15/0792/FUL: Provision of access road into residential development site approved under UTT/13/0177/OP (Approved)
- 6.4 UTT/15/3752/DFO: Details following outline application UTT/13/0177/OP for the erection of 124 dwellings with associated open space, play areas, land for educational use and other ancillary works – details of access, appearance, landscaping, layout and scale (Refused)
- 6.5 UTT/14/0721/DFO: Details following outline application UTT/13/0177/OP for the erection of up to 130 dwellings with associated open space, play areas, land for educational use and other ancillary works – details of access, appearance, landscaping, layout and scale (Refused and dismissed at appeal)
- 6.6 UTT/18/2381/SCO: request for screening opinion in respect of a proposed development of 130 dwellings with associated parking, landscaping and infrastructure work and change of use of land from agriculture to educational use.

7. POLICIES

Uttlesford Local Plan (2005)

ULP policy S8 Country Protection Zone
ULP Policy S7 – The Countryside
ULP Policy H9 – Affordable Housing
ULP Policy H10 – Housing Mix
ULP Policy H1- Housing Development
ULP Policy ENV3 – Trees and Open Spaces
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN3 – Flood Risk

ULP Policy GEN4 – Good neighbourliness
ULP Policy GEN7 – Natural Conservation
ULP Policy GEN8 – Vehicle Parking Standards
ULP policy GEN6 – Infrastructure Provision to Support Development
ULP Policy ENV2- Development affecting Listed Buildings
ULP Policy ENV10 –Noise Sensitive Development and Disturbance from Aircraft
ULP Policy ENV13 – Exposure to Poor Air Quality

Uttlesford Emerging Local Plan

Policy ELS2 – Land West of Hall Road
Policy SP1 – The presumption in Favour of Sustainable Development
Policy SP3- The Scale and Distribution of Housing Development
Policy ENSP10 – Protection of the Countryside
Policy H1 – Housing Density
Policy H2 – Housing Mix
Policy H6 – Affordable Housing
Policy TA1- Accessible Development
Policy EN17- Noise Sensitive Development
Policy EN15 – Air Quality
Policy EN11- Surface Water Flooding
Policy C1- Protection of Landscape Character
Policy D1- Design
Policy TA2 – Sustainable Transport
Policy TA4- New Transport Infrastructure
Policy INF3- Health Impact Assessment
Policy EN4- Development affecting Listed Buildings
Policy EN7 – protecting and Enhancing the Natural Environment

Supplementary Planning Documents/Guidance

SPD – Accessible Homes and Playspace

National Policies

National Planning Policy Framework (NPPF) (February 2019)

Other Material Considerations

National Planning Policy Guidance (NPPG)
Essex Design Guide
ECC Parking Standards
UDC Parking Standards

8. PARISH COUNCIL COMMENTS

- 8.1 This revised response is made following a meeting between representatives of Bovis Homes and members of Elsenham Parish Council Planning Committee, together with other Elsenham residents, on 18 September 2019, being the fourth such meeting which has been held. The Parish Council wishes to place on record its appreciation of the manner in which the applicants have sought to engage with the local community, and it is suggested that it should serve as a model for other applications, both within the Parish and more widely in the District.

- 8.2 The anticipated community benefits of a significant contribution to the Community Hall project and the provision of land for educational purposes, should the application be granted, are welcomed and given appropriate weight when assessing the proposal.
- 8.3 It is acknowledged that the scheme is included in the emerging Local Plan, and that at present UDC is unable to demonstrate a five-year land supply. The Parish Council is mindful of the opinion generally held in the village that new housing development is already excessive. In the event that this application is granted, it is hoped that the applicants will support the Parish Council in seeking to reject other current applications, which have been made on a purely speculative basis. Further development would have an impact on residents of the site under discussion equally with existing members of the local community. In the light of the discussion and documentation, the Parish Council now withdraws some of the objections made previously. In some cases, such as the Green Corridor and the removal of trees, the answers are not regarded as ideal, but the situation is acknowledged as the best that can be achieved in the circumstances
- 8.4 Some comments from the previous representations are included below and headed Initial Response. Some new comments are included and headed Additional Response
- 8.5 Transport Assessment

Initial Response:

The Transport Assessment (TA) is both lengthy and detailed, but in the Parish Council's view, does not adequately address Elsenham's particular traffic problems, notably the Grove Hill bottleneck and the route through Stansted Mountfitchet via Lower Street and Chapel Hill. Previous traffic modelling by other developers has demonstrated that Grove Hill continues to present a distinctive set of traffic conditions, which the LinSig traffic modelling tool cannot properly replicate. The claim by AECOM that "*... it is considered that there will be minimal impact experienced at this junction (Grove Hill) as a result of the development proposal and no mitigation measures are required to accommodate the development traffic to ensure the junction operates within capacity in the future year scenarios.*" must be disputed. Anecdotal evidence from local residents of both Elsenham and Stansted shows that there have been growing congestion/delay problems with the Grove Hill signals that coincide with the building of the housing developments in Elsenham. There is evidence also that the unpredictable delays and difficulties, particularly at Grove Hill, are so acute that some residents of Elsenham frequently have recourse to wholly unsuitable narrow winding country lanes as an alternative. The applicants quote the *National Planning Policy Framework*, paragraph 109, as follows: Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (*Transport Assessment*, 3.5). The Parish Council holds that there can be no doubt that the cumulative impact on the road network of this application and all the others which have been granted recently would indeed be unacceptably severe. It is not a question of the number of dwellings included in the present or any future application; the road network is inadequate now for the number of homes already committed. The application is thus in breach of Policy GEN1 in the current Local Plan: Policy GEN1 - Access 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.

8.6 Additional Response:

It is accepted locally that the changes to sequencing of the traffic signals on Grove Hill, Stansted Mountfitchet, made recently by Essex County Council, have resulted in some reduction in queues and waiting times for southbound traffic. However, it is too early to determine the scale of the improvements. Long queues southbound have been observed recently on occasion, and there is strong evidence to suggest that any improvement has been at the expense of queues in Lower Street, stretching back to the mini-roundabout at the junction with Church Road, Chapel Hill and Castle Walk.

8.7 Air Quality

Initial Response:

The reading for the Annual Mean NO₂ at Grove Hill, Stansted Mountfitchet for 2018 is shown as 36.4, where concentrations in excess of 40 are regarded as excessive (*Environmental Statement I*, Table 6-2). It is suggested that predictions for future readings, both without and with the proposed development, are needed, but no such data has been located. Attention is drawn to the representation by Stansted Mountfitchet Parish Council, which notes that average NO₂ readings at Grove Hill for the period March to October 2018 were 47.43, significantly above the World Health Organisation's limit of 40. Elsenham Parish Council supports Stansted Mountfitchet Parish Council's calls for measures to be implemented which will reduce these levels, rather than increasing them through further development at Elsenham.

8.8 Additional Response:

The Parish Council acknowledges the specific response made by the applicants in the form of the document *Air Quality Response to Parish*. Nevertheless, the conclusion has been reached with respect to another current application that exceedances of the air quality objective will occur at sensitive receptors on Stansted Road, Elsenham, and on Grove Hill and Silver Street, Stansted Mountfitchet

8.9 GP Provision

Initial Response:

It is stated concerning Elsenham Surgery that The number of patients per FTE GP at the practice is 2,215 which is higher than the target level of 1,800 patients per GP and the average recorded across the NHS West Essex CCG area (*Environmental Statement I*, 8.4.5). The applicants evidently propose to make a financial contribution to the NHS to compensate for the further shortage in provision. No doubt an increase in funds for the NHS, however small in relation to its ongoing shortfall, would be welcomed. But it would not assist the serious problem of increasing pressure on the surgery in Elsenham. There is no space for expansion, and any increase in the population of the village can only exacerbate problems for the hard-working staff, existing residents and new residents.

8.10 Additional Response:

The Parish Council calls upon the applicants to support efforts to ensure that the financial contribution made by this development, if approved, is combined with contributions from other developments in the village in order to make significant and lasting improvements to the facilities at Elsenham Surgery

- 8.11 Noise
- Initial Response:**
It is stated that the dominant noise source affecting the site is the train line along the western boundary of the site which may require some form of mitigation (glazing and acoustic barriers etc.) (*Planning Statement*, Appendix Two, 3.1). Nothing has been noted which shows that this issue has been addressed. Clearly, as a detailed application has been submitted, there should be a firm proposal.
- 8.12 Additional Response:
The Parish Council welcomes the assurance that the acoustic fence will be installed early in the development, in order to provide some measure of protection to the residents of Robin Hood Road.
- 8.13 Educational Land Transfer
- Initial Response:**
The Parish Council welcomes the proposal to transfer an area of land adjacent to Elsenham Primary School for educational purposes. However, there is much disquiet in the village concerning the apparent intention not to provide adequate drop-off and pick-up facilities. It is pointed out that two factors are particularly relevant. The size of the school has increased considerably, responding to recent large-scale housing developments. Also, it is intended that the transferred land should be used for nursery provision, and there can be no doubt that parents of small children will expect to be able to park close to the school at the start and end of the school day.
- 8.14 Additional Response:
It is recognised that the development of the educational land will be a matter for Essex County Council. Nevertheless, the Parish Council wishes to place on record its view that there should be pedestrian access from the new nursery school to the primary school, for the benefit of parents who have children attending both locations.
- 8.15 Draft S106 Heads of Terms
- Additional Response:**
The Parish Council confirms that it expects to be fully involved in discussions concerning any Section 106 agreements in the village, in accordance with UDC's *Statement of Community Involvement*.
- 8.16 Additional Recreational Strategy Plan
- Additional Response:**
The Parish Council has now taken note of this document (2 September 2019). The objective is welcomed of encouraging local recreational walking, rather than driving to ecologically-sensitive sites further away, such as Hatfield Forest. There are, however, some problems with the routes suggested.
Route 1 It is stated in the general heading: As some of these routes go through arable fields, there are opportunities for well-trained dogs to walk off the lead without any risk to livestock. However, that is definitely not possible on this shortest walk. The route does not pass through any arable fields; sheep, and lambs, are usually to be found in the fields on PROW 13_4. This route includes four stiles on PROW 13_4. At the time of writing, all four are seriously defective

and effectively impassable. Elsenham Parish Council's Rights of Way and Open Spaces Committee (EROWOS) has been asking the landowner to make effective repairs for some time, but without success to date.

Route 2 The statement, 'Most of the route takes the form of a loop through arable fields', is not correct. The assertion holds good only for a short section of PROW 13_12 south from the location marked as 'The Bungalow'. *Other comments* It is unfortunate that the aspect as seen in Viewpoint 4 will no longer be available if the application is successful. The area shown will disappear under housing, the bank on the left will be levelled, the rustic fence will disappear and the tree in the foreground will be felled. The way marker would need to be returned to Elsenham Parish Council. Elsenham Parish Council's Rights of Way and Open Spaces Committee (EROWOS) has prepared a list of local walks, also available as a leaflet: see <https://elsenham-pc.gov.uk/footpaths-and-rightsof-way> In the event that the application is approved, the Parish Council would be pleased to discuss with Bovis Homes measures to encourage local recreational walking through a Section 106 agreement.

8:17

Appendix Elsenham Parish Council Planning Committee Meeting held on 18 September 2019 at 9.15am Old Frank's, High Street, Elsenham. Minutes

1. Bovis Homes Hall Road development: To discuss with members of Bovis Homes, the modifications they had made to their planning application for Land West of Hall Road. BH had taken on board the comments and objections raised by EPC in response to their previous planning application. The parking and gardens all meet the relevant UDC policies.

There is now enough room for all the waste bins.

A four-bedroom affordable house has been added.

All the housing conforms to 'Lifetime Homes' standards.

All flats have access to amenity space.

The green corridor had been softened and was now 20 – 25 metres in width. However, it was still not a continuous green experience and walkers using the public Right of Way entry point in Hall Road would still be walking a short distance on pavement. BH said that the road must have a formal pavement however, the houses along the pavements had been set back and the gardens would be adjacent to the pavement, foliage would be planted in the gardens to give it a greener feel. Walkers would also still be required to walk across a turning head, and down another short path before regaining the green corridor footpath. BH said that they were restricted as to any alterations to this area, as the road was required for cars and had to be wide enough for refuse lorries to turn around.

BH have held initial discussions with UDC regrading S106 agreements. It was stressed that EPC would like to be involved with these talks before anything is set in stone, especially with talks regarding the community building.

The SUDS and swales will be maintained by a management company, BH said that even in the worst scenario the swales would not form a pond.

EPC objected to G38, 6 Crimean lime trees, being removed. BH replied that these trees would not survive due to the different levels that would have to be created down to the swale. EPC said the site investigation report had given them cause for concern, it had mentioned possible landslides. BH had updated the report, a copy will be sent to EPC. BH had come up with various solutions, one being to use lighter soil which will stabilize the site.

If planning permission is granted BH will look at off-site parking for the employees. It was normal practice to have a wheel washer on developments, which every vehicle must use before leaving the site. EPC will be given a direct point of contact with Bovis and the site manager to report any problems. The roads on the site are to be adopted by Highways and would therefore have street lighting

installed. BH agreed that the footpath, which runs down one side of Hall Road, will be kept open for pedestrians. It was pointed out that wheel washers were not effective when cleaning under the body and the inner rim of the wheels; a full body wash was required.

There is a seven-and-a-half-ton weight restriction coming into the village via Grove Hill, the only way construction vehicles can legally drive to the site is along Hall Road which, in places, would not be wide enough. It was asked if it could be ensured that the site entrance was made wide enough for vehicles to access and exit the site without having to mount the pavements.

Concerns from residents in Robin Hood Road were raised over the noise level while the development was in progress. BH said that there would be an acoustic fence installed, there would also be the length of the garden, 12 – 15 metres. It was asked if the acoustic fence could be installed early in the development; BH agreed that should be possible. Start and finish times would be agreed in the S106 agreement, start time would probably be 8am. Any problems regarding noise levels to be reported to Bovis or the site manager.

It was asked, if BH intended to close public footpath 13, would they formalize it with ECC before doing so. BH said that if any damage is caused to the roads by the construction vehicles, they will repair them.

The application is for 130 dwellings and change of use of land for educational use. If this development is approved, ECC will then have to submit a detailed application for the land. This would show details of the pre-school, car park and whether a drop off and pick up point was proposed.

There would be pedestrian access from the development to the railway crossing at Fullers End, through the existing PROW.

BH said that improvements to Grove Hill have been put in place, and ECC is satisfied with the results re Grove Hill. BH are giving a contribution to improve the bus service in the village.

BH air quality report, which was on UDC website, shows that the air quality is acceptable. This was questioned, as an independent report that District Cllr. Le Count had received had contradicted those findings.

BH is to make a £51,000 contribution to the NHS. The monies may be given to Elsenham Surgery for a specific project, but it is decided in the S106 agreement. It was asked when the money for the community hall would be paid. BH said this was dealt with within the S106 agreement.

The following plans were left with EPC; Revised Parking Compliance Plan. Revised Parking Strategy Plan. Additional Tree Removal Plan. Additional Tree Protection Plan.

8.18 17th April

Elsenham Parish Council has now had the opportunity to consult the Hon Tree Warden, and wishes to make this response as a supplement to the representations already submitted to Uttlesford District Council, as held on the Council's website against date 12 April 2019.

G38, Group of Crimean Lime

Rated Condition Good and Category B2 in the *Arboricultural Impact Assessment*. The Parish Council wishes to object strongly to the proposal to remove this fine line of six semi mature trees, which are all in good condition. Given the number of vehicles using the site once the houses are occupied, the residents will need all possible available trees to keep air quality to acceptable levels.

T23, Crimean Lime

Rated Condition Good and Category B1 in the *Arboricultural Impact Assessment*

The proposal to remove this fine specimen is much to be regretted. Possibly the proximity of a proposed electricity sub-station is the reason, but it is suggested that this item could be moved elsewhere.

T7, Ash

There would be no objection to felling this old specimen. It is presumed that the applicants are familiar with ash dieback.

Cypresses Leylandii

The line of trees on the boundary of The Old Vicarage adjacent to Hall Road is now very overgrown, and the PROW is impassable. At the moment, Bovis Homes's access road is used as an alternative. But that will not be possible, presumably, when construction work commences. It is assumed that, at that time, the overhanging trees will be cleared back by the contractors, in order to ensure that the PROW remains fully accessible.

8.19 12th April 2019 Elsenham Parish Council

Initial comments in full

Elsenham Parish Council continues to remain opposed fundamentally to the granting of planning permission on this site, as it introduces an excessive level of new housing development into Elsenham, which has already been the subject of numerous other new developments that have led to a significant and sudden increase to the size of the village. The 2011 census gives the total number of dwellings in Elsenham as 980. UDC's own figures show Total Dwellings 2011-2033,

(that is, new dwellings), excluding the present application, as 520 (Regulation 19 consultation, Section 3.67, Table 5), an increase of 53%. There has been no concomitant improvement in facilities.

This site has already been the subject of various previous planning applications and planning appeals, all of which were refused or dismissed because of failure to meet key planning policies.

This current application, although it would seem to address and answer many of the previous reasons for refusal and/or dismissal, nevertheless still presents a number of issues for the Parish Council, to which it wishes to offer objections.

Transport Assessment

8.20 The Transport Assessment (TA) is both lengthy and detailed, but in the Parish Council's view, does not adequately address Elsenham's particular traffic problems, notably the Grove Hill bottleneck and the route through Stansted Mountfitchet via Lower Street and Chapel Hill.

Previous traffic modelling by other developers has demonstrated that Grove Hill continues to present a distinctive set of traffic conditions, which the LinSig traffic modelling tool cannot properly replicate. The claim by AECOM that "*... it is considered that there will be minimal impact experienced at this junction (Grove Hill) as a result of the development proposal and no mitigation measures are required to accommodate the development traffic to ensure the junction operates within capacity in the future year scenarios.*" must be disputed. Anecdotal evidence from local residents of both Elsenham and Stansted shows that there have been growing congestion/delay problems with the Grove Hill signals that coincide with the building of the new housing developments in Elsenham. There is evidence also that the unpredictable delays and difficulties, particularly at Grove Hill, are so acute that some residents of Elsenham frequently have recourse to wholly unsuitable narrow winding country lanes as an alternative.

The applicants quote the *National Planning Policy Framework*, paragraph 109, as follows: Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (*Transport Assessment*, 3.5).

The Parish Council holds that there can be no doubt that the cumulative impact on the road network of this application and all the others which have been granted recently would indeed be unacceptably severe. It is not a question of the number of dwellings included in the present or any future application; the road network is inadequate now for the number of homes already committed. The application is thus in breach of Policy GEN1 in the current Local Plan:

Policy GEN1 - Access

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

Air Quality

- 8.21 The reading for the Annual Mean NO₂ at Grove Hill, Stansted Mountfitchet for 2018 is shown as 36.4, where concentrations in excess of 40 are regarded as excessive ((*Environmental Statement I*, Table 6-2)). It is suggested that predictions for future readings, both without and with the proposed development, are needed, but no such data has been located. Attention is drawn to the representation by Stansted Mountfitchet Parish Council, which notes that average NO₂ readings at Grove Hill for the period March to October 2018 were 47.43, significantly above the World Health Organisation's limit of 40. Elsenham Parish Council supports Stansted Mountfitchet Parish Council's calls for measures to be implemented which will reduce these levels, rather than increasing them through further development at Elsenham.

The Green Corridor

- 8.22 The strengthening of the central section of the corridor is welcome; however, elsewhere it still appears to be inadequate. In establishing a 'green corridor' through the development site, it would be assumed that a continuous green experience should be provided, starting at the Public Right of Way entry point in Hall Road, through to the exit in the south-west of the site. In the north, past plots 1 to 5 and 32 to 34, this appears not to occur, and in the south, it would seem that a short section of the hedge will be removed. In addition, walkers will then be required to walk across a turning head, down a short section of path and make a right-angled turn before, once again, regaining the green corridor footpath to the south of the swale. It is considered, therefore, that, as with previous applications, this application does not comply with Policy GEN2 in the current Local Plan.

Residents' Parking Provision

- 8.23 In establishing a parking strategy for the development, it is unclear whether the Essex Parking Standards criteria have been adopted, or whether the more robust Uttlesford Local Residential Parking Standards have been utilised. In the latter case, UDC requires 3 parking spaces to be provided for 4+ bedroom dwellings, which imposes greater pressure on a developer to accommodate the required parking spaces within the curtilage of a dwelling. Elsenham Parish Council takes the view that, in a rural area, a significant proportion of three-bedroom dwellings

should be provided with three parking spaces in order to reflect contemporary life styles.

For Plots 98, 99, 122, 123, and 130, all of which are two-bedroom dwellings, all of these dwellings have only been allocated a single parking space; this is not compliant with the Standard.

Bovis Homes has appeared to adopt a somewhat different parking strategy from other developers, in that use of a dwelling's garage to provide one of the required parking spaces has been adopted extensively across the site and for the various types/designs of dwelling used. This use of the garage is based upon the UDC Parking Standards allowance of garages with internal dimensions exceeding 7m x 3m to be included within the parking spaces allocation. From the various design drawings, the Bovis Homes garage design offers garages with overall maximum internal dimensions of 7m x 3m. However, allowing for the internal supporting brickwork piers, this internal width effectively reduces to 2.75m. For Plot 72, a 5-bedroom dwelling requiring 3 parking spaces, the parking spaces provision has been met by providing one garage space, one space within the dwelling's curtilage and one space located opposite the dwelling on the public roadway using one of the two visitor parking spaces. A somewhat unusual and questionable solution!

It is noted from the Parking Compliance Plan that certain plots have been marked as 'Compliant with small changes to layout'. The precise meaning of this annotation is unclear and requires clarification; particularly as certain annotated areas have the potential to offer additional parking spaces within the development.

Visitor/Unallocated Parking

- 8.24 The Bovis parking strategy drawing states that 28 unallocated visitor parking spaces will be provided; for this size of development, the Parking Standards demands a minimum of 33 spaces. Given the Bovis parking strategy of extensively using garages to meet the residential parking requirements, the Parish Council is concerned that higher levels of on-street parking will occur due to the now common practice of householders using garages as storage areas. It is noted that the distribution of the unallocated visitor parking spaces is very uneven, for instance, a particular lack of spaces in the northern parts of site. It can only be hoped that some of the areas marked 'Compliant with small changes to layout' can be modified and used to create additional visitor parking spaces.

Amenity Space for Flats

- 8.25 The plans show that a shared, but limited, amenity space will be provided for Plots 118-121, 122-125 and 130; however, no indication is given as to how large the amenity area will be. The Parish Council considers that further clarification is required, so as to ensure that this amenity space is of sufficient size to ensure that the residents are able to properly enjoy this important recreational facility. In contrast to the above, it appears that little or no amenity space will be provided for Plots 80, 94-100 and 126. The deficiency should be made good.

GP Provision

- 8.26 It is stated concerning Elsenham Surgery that the number of patients per FTE GP at the practice is 2,215 which is higher than the target level of 1,800 patients per GP and the average recorded across the NHS West Essex CCG area (*Environmental Statement I*, 8.4.5). The applicants evidently propose to make a financial contribution to the NHS to compensate for the further shortage in

provision. No doubt an increase in funds for the NHS, however small in relation to its ongoing shortfall, would be welcomed. But it would not assist the serious problem of increasing pressure on the surgery in Elsenham. There is no space for expansion, and any increase in the population of the village can only exacerbate problems for the hard-working staff, existing residents and new residents.

Educational Provision

- 8.27 Within the Environmental Statement, Table 8-15, the estimated child yields for education associated with the proposed development are given, namely: Primary School 10 Secondary School 11. For a residential development of 130 dwellings, these estimates of child numbers appear to be significantly low, given the mix of dwellings. It is understood that Essex County Council in projecting child numbers, apply basic multipliers to each new house that produces an average of 0.3 children per house for primary school and 0.2 children per house of secondary school age. However, within that calculation, ECC excludes single bedroom properties and any properties that were specifically designated for over 50s, such as retirement homes. There are 14 properties which are wholly or mostly single-storey (including the chalet bungalows). Therefore, for the housing distribution above, there would be 116 child bearing households, which will produce, in rounded figures, 35 primary school children and 23 secondary. The variance between the Bovis Homes estimates and those using the ECC formulae appear wide. It is hoped that ECC will address this disparity in projected child education numbers.

Swale

- 8.28 It is noted that as part of the surface water disposal strategy a swale is proposed in the south-west of the site. The proposal gives rise to a number of issues. It is not clear whether it is envisaged that the swale will always hold water, or whether it is intended that it should normally be dry and hold water which is soon dispersed at times of peak rainfall. There is no indication of the likely depth of rainwater. These issues are important owing to the proximity of Stansted Airport. The Airport stipulates that bodies of open water must be avoided, owing to the possibility of attracting large numbers of birds, with the consequent risk of an aircraft bird strike. It is not clear that the applicants have addressed these issues. The swale appears to be very close to the re-aligned public right of way (*Onsite Civil Engineering Infrastructure Statement*, Appendix B, Surface Water Drainage Strategy 1). Confirmation is needed that there will be no risk of flooding, and that appropriate fencing and other safety measures will be provided. Elsewhere in the application, it is evident that the applicants are relying on the southern area of the site to make up for the deficiency in areas of formal provision for play: The provision will consist of 400m² of Local Equipped Area for Play (LEAP) and 100m² of Local Area for Play (LAP). In addition, land along the southern boundary of the application site is likely to be converted into informal play space. Whilst the formal areas for play are below the minimum stipulated within the Uttlesford Infrastructure Delivery Plan, discussions with UDC have confirmed that this provision, in combination with the informal play space, will be sufficient (*Environmental Statement*, I, 3.3) It is not at all clear as to whether the swale is included in the area regarded as available for informal play. It is stated that: It is also understood that a balancing pond is proposed for the southern end of the site. This area is already steep (estimated slope gradient of 12 degree), and by constructing the balancing pond, the gradient of this slope is to be increased, which could give rise to slope instability issues. Therefore, further slope analysis through this section should also be carried out. Considering the

existing gradient of this slope, and the known inherent instability of the site caused by the solifluction process, constructing the balancing pond at this location, and increasing the gradient to the slope without due consideration, is likely to cause slope instability (*Site Investigation Report*, 21, p. 15) There is nothing to show that the significant issues raised in these remarks have been addressed.

Site Investigation Report

- 8.29 This report is held, confusingly, on UDC's website against the label *Contamination Ground Investigation*. It bears date 2 April 2014, five years ago, and therefore presumably it relates to an earlier application. There is much in the report which gives cause for concern, for instance: Solifluction was caused by slope instability in the geological past, and relic shear surfaces lie dormant in the ground. Slopes that have been impacted by the solifluction process, like those encountered on this site, may have a low slope gradient (sometime as low as 1 or 2 degrees) and are often 'stable' under existing conditions, but could become unstable by artificial disturbances such as cut and fill, the imposition of foundation loads or the introduction of shallow soakaways. There have been several cases in the South East of England where engineering works have reactivated relic landslips on soliflucted slopes, causing delays and additional costs to the project. The careful design of slope retention and drainage measures on this site cannot be overstressed. According to our findings during the fieldwork, the slopes on site have a geological history of being unstable, and as such, there is a risk that any groundwork's on site could destabilise the slope and possibly cause a landslide. Suitable slope analysis should therefore be carried out, with particular attention to areas where retaining wall are proposed and close to the railway line, where foundation loads at the head of the slope (i.e. Block 71-78) could destabilise the slope (*Site Investigation Report*, 21). It is not sufficient for a report of this nature to be included with the application documents. Further courses of action are needed. The document needs to be updated to take account of the positioning of the various dwellings as now proposed. Also, Bovis Homes need to state the action which has been taken or will be taken in order to deal with the serious issues raised.

Noise

- 8.30 It is stated that the dominant noise source affecting the site is the train line along the western boundary of the site which may require some form of mitigation (glazing and acoustic barriers etc.) (*Planning Statement*, Appendix Two, 3.1). Nothing has been noted which shows that this issue has been addressed. Clearly, as a detailed application has been submitted, there should be a firm proposal.

Mobility issues

- 8.31 The answer to the question, 'Does the proposal allow people with mobility problems or a disability to access buildings and places?' is given as, 'This information is not available at this stage of the design process to conclude this with certainty' (*Environmental Statement*, I, Table 7-9). As a detailed proposal has been submitted, clarity is required as to whether this issue has now been addressed.

Lifetime Homes Standards

- 8.32 It is stated that another key potential adverse health effect is the fact that the majority of dwellings will not be built to 'Lifetime Homes' standards of meet Building Regulation M4 (2) (*Environmental Statement*, I, 7.11.1) The Parish Council understands that all newly built dwellings in the District are now expected to conform to 'Lifetime Homes' standards, and clarification is needed on this issue.

Affordable Homes

- 8.33 A key recommendation relevant to health and wellbeing is given as the proposal could seek to provide a small number of affordable homes with 4/5 bedrooms in order to meet the needs of larger families who require affordable housing (*Environmental Statement*, I, 7.11.2). The recommendation has not been addressed. There is a clear under-provision of such accommodation in the several recent large developments in the village. The schemes to the north and south of Stansted Road both make provision for two four-bedroom affordable homes, a total of four, and there are no affordable homes with five bedrooms. Clearly there is an outstanding demand which should be met by the current application.

Educational Land Transfer

- 8.34 The Parish Council welcomes the proposal to transfer an area of land adjacent to Elsenham Primary School for educational purposes. However, there is much disquiet in the village concerning the apparent intention not to provide adequate drop-off and pick-up facilities. It is pointed out that two factors are particularly relevant. The size of the school has increased considerably, responding to recent large-scale housing developments. Also, it is intended that the transferred land should be used for nursery provision, and there can be no doubt that parents of small children will expect to be able to park close to the school at the start and end of the school day.
- The Parish Council welcomes the proposal to transfer an area of land adjacent to Elsenham Primary School for educational purposes. However, there is much disquiet in the village concerning the apparent intention not to provide adequate drop-off and pick-up facilities. It is pointed out that two factors are particularly relevant. The size of the school has increased considerably, responding to recent large-scale housing developments. Also, it is intended that the transferred land should be used for nursery provision, and there can be no doubt that parents of small children will expect to be able to park close to the school at the start and end of the school day.

Draft S106 Heads of Terms

- 8.35 It is stated that At this stage, it is anticipated, subject to appropriate justification that the S106 Agreement will make financial contributions towards:
- Library;
Community Building;
Education provision;
Highway contribution for off-site works; and
Healthcare contribution.
- The Parish Council is not aware of any proposals for library provision in Elsenham, or of proposals for the enhancement of provision elsewhere. The Parish Council would of course expect to be fully involved in discussions concerning any Section 106 agreements in the village, in accordance with UDC's *Statement of Community Involvement*.

Conclusion

- 8.36 The manner in which Bovis Homes has consulted the Parish Council over its plans, in accordance with the *Statement of Community Involvement*, is welcomed, and the Parish Council regrets that it cannot give a more positive response to the application. It is held, however, that it must be resisted on the grounds of the excessive expansion of the village which has occurred in recent years, in combination with the unsuitability of the road transport access and concerns as to air quality in Stansted Mountfitchet. It is not felt that the revised 'Green Corridor' meets the concerns expressed by Government Inspectors in rejecting previous appeals. Parking for both residents and visitors is inadequate, as also is the amount of amenity space for flats. There is no acceptable solution to the ongoing problem of undue pressure on the local GP surgery, and the proposed educational provision appears to have been miscalculated. The swale gives rise to multiple concerns, and the *Site Investigation Report* needs to be updated. Clarification is required as to issues surrounding noise, mobility, Lifetime Homes Standards and Affordable Homes. There is public disquiet concerning the lack of drop-off and pick-up facilities at Elsenham Primary School. For these several reasons, Elsenham Parish Council has no option other than objecting to the proposal.

Stansted Parish Council

- 8.37 The Council re-iterates its previous objections with our main concerns being:
- (a) risk of flooding in Stansted Brook
 - (b) air pollution from increased traffic congestion particularly on Grove Hill and Lower Street in Stansted
 - (c) we support the concerns raised by both Henham and Elsenham Parish Councils

9. CONSULTATIONS

Landscape Officer

- 9.1 The Landscape Masterplan together with the detailed planting plans are considered satisfactory.

ECC Highways

- 9.2 This application was accompanied by a Transport Assessment which has been comprehensively reviewed by the highway authority. Several site visits have also been undertaken. The assessment of the planning application and transport assessment was undertaken with reference to the National Planning Policy Framework 2019 and in particular paragraphs 108 – 109, the following matters have been considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

The transport assessment included committed development (development sites for which planning consent has been granted) in Elsenham and Stansted Mountfitchet, additionally it included a sensitivity test of the possible future development of 350 residential units on Henham Road (not committed). A number of local junctions were assessed and the junction at Grove Hill was of particular interest to the highway authority due to its unusual configuration and the queueing that occurs here currently. This development is forecast to generate 21 additional

vehicles in the morning peak hour and 19 additional vehicles in the evening peak at the Grove Hill junction. This impact is modest, however when the cumulative impact is considered queues and delays will increase without mitigation.

The Highway Authority are cognisant of more detailed assessment of the Grove Hill junction that has been carried out by the transport consultant engaged in connection with another development site. The model used for this assessment was able to replicate the current situation at Grove Hill junction in the town and forecast future impact. As a result mitigation works have been identified that demonstrate significant benefit to the operation of the junction and reduce the current and future queues taking account of development traffic arising from both Land West of Hall Road and their own development site. This modelling has been validated and checked by the transportation modelling team in Essex Highways.

Essex Highways, using contributions from another site, has recently upgraded the Grove Hill junction, and test of the new equipment this has shown that the detection of traffic is such that it will achieve the mitigation referred to above.

Therefore, it is the view of the Highway Authority that the works that have already occurred at the Grove Hill junction are sufficient to accommodate development traffic associated with development of Land West of Hall Road, in combination with a financial contribution to an improved bus service serving key destinations including Stansted Mountfitchet, Bishops Stortford and Stansted Airport.

Ultimately it is planned that this contribution, combined with other contributions, will be used to provide a half hourly service during the week and enhanced evening services.

Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to mitigation and conditions:

ECC Ecology

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

Summary

We have read the Interim Ecological Survey Report and Evaluation 2019 (James Blake Associates Ltd., 18 June 2019) supplied by the applicant. The further surveys of ponds have been undertaken and there are no Great Crested Newts within the site vicinity. Two of the four bat surveys that were planned have been undertaken and have identified the main commuting and foraging routes, these areas will be retained. These results with the next two surveys need to inform mitigation and enhancements for bats. These could be presented in an updated Landscape and Ecological Management and Maintenance Plan or a separate Bat mitigation strategy. Recreational routes for dog walkers have been identified, the details of which need to be secured under Section 106 agreement.

We have reviewed the Preliminary Ecological Appraisal (James Blake Associates Ltd., December 2018), Water Vole and Otter Survey (James Blake Associates Ltd., November 2018), Landscape and Ecological Management and Maintenance Plan Rev G (James Blake Associates Ltd., 14 February 2019), Reptile Mitigation Strategy (James Blake Associates Ltd., Rev A – February 2019), Environmental Statement (AECOM, February 2019) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species and identification of proportionate mitigation.

We are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. I support the reasonable biodiversity enhancements that should also be secured by a condition on any consent.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. The mitigation measures should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species.

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

Crime Prevention Officer

- 9.4 Whilst there are no apparent concerns with the layout however to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award.

From experience pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application.

Sport England

- 9.5 The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit
If the proposal involves the provision of additional housing (then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.
In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities.

Housing Enabling Officer

- 9.6 The Council does not support FOG's for rental. This is due to the nature and location of such properties. The Council will support them being shared ownership as people entering this tenure have greater choice than residents who need to rent
1) FOGS have other people's garages underneath them. This causes noise disturbance, especially for households who have children. All 2 bed rental homes will have children.
2) FOGS do not have any amenity space (usually) for their sole use and therefore unsuitable for 2 bed FOGs which would house children.

- 3) FOGS are usually located in carparks, and are not a sustainable environment for raising children, especially due to the noise issue.
- 4) The location of FOG's causes potential health and safety issues for children and are more likely to bring children into conflict with motor vehicles.
- 5) People who are homeless have 3 choices of property or they are no longer owed a duty by the Council. Such households could be put in a unfair position due to the lack of choice they are given.
- 6) Shared ownership is about choice. A 2 bed FOG would be cheaper than a 2 bed house. If the household do not have children, it could be the choice they are looking for.
- 7) 2 bed flats are proving increasingly unpopular with residents who are eligible for rental properties. Applicants have a choice and schemes are struggling to let such homes which causes the HA debt. Our HA partners are increasingly aware of this.
- 8) Greater choice amongst the shared ownership offer is a benefit to the HA and therefore the developer.

9.7 The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more units.

The affordable housing provision on this site will attract the 40% policy requirement as the site is for 130 (net) units. This amounts to 52 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

Discussions for this scheme have not been reviewed since August, 2018 and what was agreed at that time is not what is presented in this application. In addition, the clusters do not meet the Council's policy as they are above 10 units. This is policy to ensure cohesion and equality throughout the scheme.

I also note there are five coach houses. These would best meet the needs of residents wishing to purchase their home via shared ownership.

To assist the applicant, I have provided the Council's preferred housing mix below. This mix should be indistinguishable from the market housing, in clusters of no more than 10 with good integration within the scheme and be predominately houses with parking spaces.

	Land West of Hall Rd UTT/19/0462/FUL				
	1 bed	2 bed	3 bed	4 bed	Totals
Total affordable units	8	28	14	2	52
Affordable Rent	6	20	10	1	37
Shared Ownership	2	8	4	1	15

The Council has a bungalow policy, which requires 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes) as well as 5% of all units to be bungalows delivered as 1 and 2 bedroom units. This would amount to 7 bungalows across the whole site delivered as 3 affordable units and 4 for open market. The scheme provides two, 2 bed bungalows only. If ground floor flats are being used to meet this policy, one property will need amending to a Category 3 property.

I note the sizes of the properties but for clarity purposes, affordable rented homes should meet the following standards; 1 bed property house 2 people, 2 bed properties house 4 persons, 3 bed properties house 5 persons and 4 bed properties house 6 persons.

Lead Local Flood Authority position

- 9.9 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.

NATS Safeguarding

- 9.10 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

Network Rail

- 9.11 After further discussions with our internal teams I can confirm that we already have the funding for the closure and diversion of the level crossing so will not require a contribution from the developers.

- 9.12 11th April 2019:

Further to my previous comments and having had further input from our Level Crossings team I want to amend my comments.

The development is highly likely to increase usage of the adjacent public footpath level crossing. Which would increase the Level Crossing's Risk Score. Network Rail does not consider this to be acceptable for reasons of safety.

We no longer require any further information from the developer.

Network Rail has applied for diversion of the public footpath to the underbridge to the south of the site, as part of the Network Rail (Essex and Others) Level Crossing Reduction Order 2019/2020.

Network Rail requests that the development not be occupied unless and until the level crossing and the public right of way is closed and diverted as proposed by Network Rail or another proposal.

The development must not prevent implementation of Network Rail's level crossing closure proposal.

Network Rail would expect a financial contribution to be provided towards the closure and diversion given the impact this scheme would have on the level crossing.

- 9.13 3rd April 2019

As this application is for the erection of 130 dwellings, on its own may not merit the closure of the level crossing or increase the usage capacity of the station which are both concerning for Network Rail. However, the accumulative impact in conjunction with planning application UTT/19/0437/OP that proposes 44 dwellings will cause an increased impact.

The application doesn't assess the impact that the development will have on the level crossing and so Network Rail want to submit a holding objective until further information has been provided.

Fullers End Level Crossing

The crossing traverses two lines and is 11m in length. Trains run frequently over the crossing with approximately 152 trains running at 70 mph for 24 hours per day. The North West side of the crossing leads to the settlement, Elsenham and the South East side leads to the settlement Fullers End. Due to the location of the crossing and accessibility there is currently a high usage of the crossing. Network Rail is committed to reducing the risk at our level crossings.

ALCRM

Particular factors have to be considered for the safety of those using the crossing. Network Rail has a standard Risk Assessment tool called ALCRM (All Level Crossing Risk Model) which determines the predictive level of risk at a level crossing based on a variety of factors, including misuse, train information, number of users, the environment, available sighting etc. Based on the information The risk bands give an indication of where NR's highest risk level crossings are and provide a focus for the company. For example, a crossing with a score of A1 would have more focus for mitigation than a crossing with a G10. Within the risk bands, ALCRM also calculates a Fatality and Weighted Index (FWI) score. This crossing is currently at a Risk level of C5.

The proposed residential development of approximately 130 houses may increase the risk score at this crossing to increase to an unacceptable level and therefore mitigation options to decrease the risk would need to be explored.

A full assessment hasn't been undertaken by the developer to provide the impact this application will have on the Level Crossing. Therefore, makes it difficult to advise on what mitigation is necessary to decrease the risk.

Due to the proximity of the proposed residential dwellings, Network Rail is concerned by the potential impact that this would have on the usage and safety of Fullers End Level Crossing. Furthermore, in relation to this application and planning application UTT/19/0437/OP, Network rail is concerned by the accumulative impact of more residential units being located on either side of the railway. In the absence of any detail about the impact it is difficult to confirm what mitigation would be required options could include closure of the crossing and diversion or provision of a footbridge over the railway. We would expect a financial contribution to be provided towards improvements to the existing crossings or towards a new footbridge.

Network rail would be grateful if the above could be carefully considered by Uttlesford District Council in relation to the proposed development. Network rail would welcome further discussion with Uttlesford District Council and the applicant in relation to the proposed development

Thames Water

9.14 Waste Comments

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

9.16 Thames Water would advise that with regard to foul water sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments

As the site is close to a natural water course we expect all surface water to be discharged here.

Highways England

- 9.17 Referring to the planning application referenced above, notice is hereby given that Highways England's formal recommendation is that we:
- a) offer no objection;
- This proposal is unlikely to have a severe affect upon the Strategic Road Network.

Aerodrome Safeguarding

- 9.18 We are content that the swale will not hold water except in exceptional circumstances and will retract our objection to this.
- With regard to the planting scheme, we continue to object to the current proposal. Should you wish to impose a condition to deal with this aspect then wording along the following lines would be our preference:
- No development to take place until a revised Landscaping scheme is submitted to the LPA in consultation with the aerodrome safeguarding authority for Stansted Airport.
- Reason: Flight safety – Birdstrike avoidance; the revised scheme should reflect the need to minimise berry bearing plants that attract birds i.e. reduced to 30% or less of the total.

Natural England

- 9.19 We consider that without appropriate mitigation the application has potential to damage or destroy the interest features for which Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) has been notified. Natural England is working alongside the National Trust in carrying out research into visitor patterns, impacts and mitigation measures to Hatfield Forest SSSI/NNR. To date, this work has identified a confirmed Zone of Influence (ZoI) of 14.6km which has been refined through winter and summer visitor surveys. This work has recently been finalised and is currently with Uttlesford District Council for consideration as part of their emerging Local Plan, with the view of establishing a strategic solution for visitor impacts to the Forest.

As such, this application falls within the currently identified ZoI for recreational impacts to Hatfield Forest SSSI, NNR, whereby new housing within this zone is predicted to generate impacts and therefore will be expected to contribute towards mitigation measures, such as a financial contribution.

Whilst we are working towards a strategic solution, Natural England advises that a bespoke mitigation package should be sought for this application, which we suggest is designed in consultation with the National Trust as site managers. In the absence of a strategic solution, Natural England would not want to see any permissions granted that would create a precedent of acceptability for additional housing developments close to Hatfield Forest SSSI, NNR. As these mitigation are in the process of being defined in a 'mitigation package', we cannot comment further at this stage of the particulars of a future mitigation strategy.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured

The proposed development is within circa 5km of Hatfield Forest. Hatfield Forest is a National Nature Reserve (NNR). It is nationally designated as a Site of Special Scientific Interest (SSSI) and regarded to be of international importance for its ancient wood pasture-forest habitats. The interest features of these habitats are vulnerable to recreational impacts and within recent years there has been increasing concern regarding the number of visitors. It has been noted that there has been significant increases in visitor numbers, linked to nearby residential development. Both Natural England and the National Trust are therefore concerned regarding the impacts of increasing visitor pressure on the designated site and it is apparent that the current number of visitors is exceeding carrying capacity of some important SSSI habitats.

More recently, the National Trust has undertaken visitor surveys to establish a Zone of Influence (ZoI) for recreational impacts to Hatfield Forest SSSI, NNR. To date, the results of the winter and summer surveys have indicated a zone of 14.6km radius from the site. The final report assessing the combined conclusions of these surveys has recently been completed by the National Trust and is currently with Uttlesford District Council for their consideration as part of the Local Plan process. However based on the previously confirmed ZoI and the currently available updated information, Natural England would anticipate that the application be assessed in the context of these issues and the emerging strategic solution. Please note that Natural England's Impact Risk Zones are in the process of being updated to reflect this emerging evidence, which will assist the Council in identifying additional relevant planning applications which Natural England should be consulted upon. We note that this site has previously been subject to applications for residential development, however in light of the emerging evidence Natural England would expect the recreational pressure impacts identified to be taken into consideration when determining this new application.

The submitted Environmental Statement has identified that the development is within 5km of Hatfield Forest, however has not made an assessment on recreational pressure impacts on the Forest.

We consider that the provision of 'on-site' measures, within the red line boundary of the site, can be important in helping reduce the frequency of visits to sensitive designated sites if effectively designed in quantity and quality. We would advise that as the Local Planning Authority, an assessment is made as to whether the on-site provision, such as green infrastructure is sufficiently designated to provide mitigation.

For areas of green infrastructure, we would generally advise that these should include elements, such as the following:

- High-quality, informal, semi-natural areas
- Circular dog walking routes of >2.7 km and/or with links to surrounding public rights of way (PRoW)
- Dedicated 'dogs-off-lead' areas
- Signage/leaflets to householders to promote these areas for recreation
- Dog waste bins etc.

Notwithstanding this, the unique draw of the identified designated site means that even well-designed, 'on-site' provisions are unlikely to fully mitigate impacts, which is acknowledged in the environmental statement. Natural England therefore agrees that it is appropriate to consider the agreement of 'off-site' mitigation measures (outside of the red line boundary). As stated, the development of a

strategic solution is currently underway which will include a mitigation package, though this has not yet been developed. As per the 'on-site' measures, Natural England would therefore recommend in the interim period, until these strategic mitigation measures have been identified, that a planning condition or obligation is attached to any planning permission. Whilst it is noted that a financial contribution has been proposed, with indicative 'off-site' measures, we would recommend discussion in correspondence with the National Trust as managers of the site to determine appropriate and proportionate mitigation for this application.

Natural England therefore advises that permission should not be granted until such time as these mitigation measures have been assessed and secured through the appropriate means. We would be happy to comment further as the need arises.

Please also note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Other Designated Sites Impacts

For other issues in relation to designated sites and the environment, please note that Natural England is unable to provide a more detailed response on these matters for this consultation, as we have to take a risk based approach in deciding when to provide detailed advice to planning consultations. Consequently, the Council as decision maker should request from the developer sufficient information as may be necessary for it to assess the impacts likely to arise and any mitigation measures that may be necessary. You should use the Impact Risk Zones to inform any requests for further information, as they have been designed to inform local authorities when proposed development is likely to affect a SSSI.

The lack of comment on other issues from Natural England does not imply that there are no other impacts on the natural environment. It is for the local planning authority to determine whether or not this application is with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

Local authorities have responsibilities towards the conservation of SSSIs under s28g of the Wildlife & Countryside Act (1981 as amended), and your biodiversity duties under s40 of the NERC Act 2006. If you have not already done so, we recommend that you ensure that sufficient information in the form of an SSSI impact assessment report or equivalent is built into the planning application validation process. Please note that Natural England is preparing additional standard advice to cover a range of development scenarios, but as these do not yet cover this planning application we are unable to provide further comments.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Protected Species

Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Environmental enhancement

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 8, 102, 118, 174 and 175 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting.

Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way;
- Restoring a neglected hedgerow;
- Creating a new pond as an attractive feature on the site;
- Planting trees characteristic to the local area to make a positive contribution to the local landscape;
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds;
- Incorporating swift boxes or bat boxes into the design of new buildings;
- Designing lighting to encourage wildlife;
- Adding a green roof to new buildings;

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access;
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips);
- Planting additional street trees;
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links;
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore);

Environment Agency

9.20 13th August 2019

We have reviewed the application as submitted and are removing our holding objection on Flood Risk. All other advice within our letter referenced AE/2019/123946/01-L01 dated 3 April 2019 remains valid.

Flood Risk

We have reviewed the 'Response to Environment Agency' letter dated 17 July 2019 and are satisfied that the approach taken with the detailed local topography, flow rates and significant freeboard provide adequate assessment of fluvial flood risk with an allowance for climate change in the absence of detailed hydraulic modelling. We are therefore removing our flood risk holding objection raised within our letter referenced AE/2019/123946/01-L01 dated 3 April 2019 providing the below condition is included should the permission be granted.

Condition 1

The development shall be carried out in accordance with the submitted flood risk assessment 'Hall Road, Elsenham; Flood Risk Assessment Addendum' prepared by Aecom (reference: 334156) and addendum letter from Robert Wynn dated 17 July 2019:

Finished flood levels shall be set no lower than 81.2m above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason for condition

To reduce the risk of flooding to the proposed development and future occupants.

9.21 Previous advice

We have inspected the application, as submitted, and are raising a holding objection on grounds of flood risk. We have highlighted our objection and provided guidance on how the applicant can overcome this within the flood risk section below. We have also provided guidance on drainage. Flood Risk

In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.

Reason:

The submitted FRA 'Hall Road, Elsenham; Flood Risk Assessment Addendum' prepared by Aecom (reference: 334156) does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the development's flood risks. In particular, the FRA fails to use an appropriate method for calculating the design flood level with an allowance for climate change. It had previously been agreed that finished floor levels will be set at 79.6mAOD, and the 79m contour used to delimit the flood extent on site. This was agreed prior to the requirement to assess climate change allowances in 2016. We require the 1 in 100 year plus 35% climate change flood event to be used as the design flood for a more vulnerable residential development, however a suitable methodology for assessing this has not been presented in the FRA. For a development of this size and vulnerability we would expect the detailed approach to be used. The detailed approach requires hydraulic modelling to determine the impact of climate change on flood level and flow. This approach can involve either re-running existing EA hydraulic models or the construction of a new hydraulic model.

Overcoming our objection:

To overcome our objection, the applicant should submit a revised FRA which uses the detailed approach to assess the impacts of the 'higher central' 1 in 100 year plus 35% and 'upper end' 1 in 100 year plus 70% climate change allowances on flood risks to and from the site. Usually we would expect the 'higher central' allowance to be used to determine the design flood event. If this cannot be achieved we are likely to maintain our objection. Please consult us on any revised FRA and we will respond within 21 days of receiving it.

As the application requires detailed hydraulic modelling, the following information must be submitted for review;

- The flood model, including all relevant model files.
- Model Report - this should provide detail on what work has been undertaken with clear explanation of any decisions taken. Enough detail should be provided for us to be able to replicate every step taken.
- Flood outlines for all return periods modelled.
- Model log (to track any changes and updates).
- All relevant surveys.
- Details of sensitivity testing, e.g. changes to inflow, roughness, downstream boundary, structure coefficients.
- A clear file naming convention so that we can check correct data has been submitted.

It is best practice to use the latest modelling software. If this has not been used then the model report should justify why a previous version has been deemed appropriate.

Environmental Health

9.22 The application is supported by a noise assessment (albeit a little dated) which recommends that noise mitigation measures are incorporated into the development. I agree with this and, therefore, recommend a condition is placed on any decision notice.

The application is also supported by an air quality assessment which concludes that control measures are required during the construction phase. I recommend a condition to secure this.

The air quality assessment also models the operational traffic movements at various receptor locations, one of which is the Grove Hill junction (and the approaches to this junction). The results of this modelling indicated that the contribution from the proposed development would result in a negligible contribution at the junction and minor adverse on the approach. No breach of the air quality objective is predicted, indeed, no breach of the air quality objective has been measured at this location. I am, therefore, not in a position to object to the proposals on this basis.

What I also have in mind is that the site has previously had a similar proposal approved (13/0177) on which Environmental health also made no comment in relation to operational traffic and air quality. However, notwithstanding this, you may wish to consider a condition requiring electric vehicle charging points in a percentage of the proposed dwellings to encourage/support cleaner vehicle usage.

The application is also supported by a site investigation report which identifies the presence of made ground on the site although contamination matters were not

addressed. However, given the nature of the end use of the site I recommend the following condition is placed on any decision notice.

No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority: A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination;

A Phase 2 Site Investigation (where shown as necessary the Phase 1 Desk Study);

A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation)

All such work shall be undertaken in accordance with BS:10175:2011 or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

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.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

National Trust

- 9.23 The proposed development is less than 5km from the SSSI, National Nature Reserve areas and ancient woodland of Hatfield Forest which extends over 424 hectares, including Wall Wood and Woodside Green. The area has been owned and managed by the National Trust since 1924. Of greatest significance is that Hatfield Forest is the finest surviving example of a small Medieval Royal Hunting Forest. The Forest's ecological and historic importance is reflected in its designations - for its considerable ecological significance and especially for its veteran trees and old growth woodland on undisturbed soils. It is also the largest, most accessible and most important space for outdoors recreation for the community in the local area.

Issues facing Hatfield Forest

The forest is currently experiencing rapid and unsustainable growth in visitor numbers which is putting it under considerable pressure and there are signs that the SSSI, NNR and other designated/protected features there are being damaged. In order to advance its understanding of these issues as well as an understanding of visitor numbers, origin and behaviour when visiting the Forest, the Trust, with support from Natural England, commissioned consultants Footprint Ecology to undertake visitor surveys and prepare an impact management report to help build a practical strategy for the Forest going forward. A copy of this report (the Hatfield Forest 'Visitor Survey and Impact Management Report 2018') has been sent to Uttlesford Council. Natural England has also written to your planning department to alert you to this evidence and advise that where relevant, planning decisions are informed by this.

The Footprint Ecology report describes the issues arising from recreational pressure in more detail, identifies a 'Zone of Influence' and recommends the development of a strategy to mitigate these impacts in order that new

development can meet local and national planning policy requirements. It is hoped that a favourable SSSI status can be achieved in the future.

Principle of Development

The National Trust supports the delivery of new housing through a plan-led system. It is noted that the site is allocated for residential development in the emerging Local Plan which was submitted to the Secretary of State in January 2019. The site has also benefited from a previous outline planning permission (now lapsed). Given the advanced stage of the new Local Plan, the Trust does not object to the principle of the development of this site.

Impact of the Development on Hatfield Forest

The proposed development falls within the 14.6km Zone of Influence (ZOI) identified in the Footprint Ecology report (where the majority (75%) of visitors arrive from). It is considered that new housing developments within this ZOI will contribute towards further recreational pressure on Hatfield Forest and that appropriate mitigation for this should be secured. As set out in Natural England's letter to UDC (dated 5th April 2019), Natural England has submitted a change to the Impact Risk Zone for Hatfield Forest to reflect this evidence.

Whilst the Environmental Statement submitted with the application acknowledges the proximity of the site to Hatfield Forest, there has been no assessment of the recreational impacts of the development on Hatfield Forest (alone or in combination with other developments in the area). It is appreciated that the aforementioned report is relatively new evidence that the developer may not have been aware of when preparing the planning application.

Whilst it is accepted that on-site green infrastructure and public open space will help to mitigate impacts, Hatfield Forest offers other visitor experiences which could not be replicated on a new site. It is used for a range of recreational activities including jogging, cycling, wildlife watching, family outings and photography. Therefore, the National Trust therefore considers that there will be a residual recreational impact.

Mitigation

Based on recommendations set out in the Footprint Ecology report, and as referred to in Natural England's letter, the National Trust is currently working on a costed list of mitigation measures to enable developers to agree packages of funded measures proportionate to the size and location of their projects. This is currently work in progress and the list below is not exhaustive or finalised, but based on recommendations in the report is likely to include:

- Land acquisition (if the opportunity arises);
- Forest Works (woodland management works, soil aeration, tree protection, path closure rotations with barriers and signs etc);
- Surfacing Repairs (repairs to damaged paths);
- Visitor Infrastructure (Signage, gate counters etc);
- Botanical Monitoring (vegetation density, soil bulk density, ride conditions, fixed photography monitoring, twinned comparison sites, RAG surveys);

- Staff Resource (ideally a Ranger to carry out botanical monitoring, visitor messaging, education, conservation work, data analysis eg of gate counters, community involvement).

Based on evidence, advice from expert consultants and the knowledge of the property team the National Trust is working hard to ensure that the future resilience and conservation of Hatfield Forest in order to fulfil its core objectives and in light of external pressures. Whilst the mitigation package is currently being prepared by the National Trust (in consultation with Natural England) we are requesting bespoke mitigation packages, on a case by case basis.

For the proposed development we consider the following would be appropriate:

On-Site Mitigation

On-site measures which would help relieve the pressure on Hatfield Forest should be provided. These should take the form of:

- High-quality, informal, semi-natural areas, to be provided prior to first occupation of the dwellings;
- A circular dog walking route within the site to be provided prior to first occupation of the dwellings;
- A dedicated ‘dogs-off-lead’ area, to be provided prior to first occupation of the dwellings;
- Educational signage and a ‘Home Pack’ to householders to promote these areas for recreation, to be provided prior to first occupation/to the first occupants of the new dwellings.

Off-Site Mitigation

A financial contribution of £19,000 to the National Trust for use at Hatfield Forest towards visitor and botanical monitoring and mitigation works.

Summary

In summary, the National Trust does not object to the principle of this development. However, if the LPA is minded to approve the application, it is requested that appropriate mitigation for recreational impacts upon Hatfield Forest SSSI and NNR are secured through a S106 Agreement in consultation with the National Trust and Natural England.

ECC Infrastructure

9.24

A development contribution is required for :

Early Years and Childcare: 10.80 pupils generated, multiplied by 2018-2019 cost-per-place (£17,422.00) = £188,157.60

Secondary: 24.00 pupils generated, multiplied by 2018-2019 cost-per-place (£23,214.00) = £ 557,136.00

Primary: The cost of an All-Weather Pitch to the sum of £225,000 to be located on the transferred educational land. It is worth mentioning that the previous application/agreement featured a financial contribution for primary education; this proposal has always formed part of our forecasting work, and so the places were delivered by other means, when the original application did not come to pass. You will note the considerable request reduction, in an attempt to find a solution that suits all parties.

It is felt that asking the developer to cover the additional costs of accepting a smaller piece of land, provision of the all-weather pitch, is a legitimate request,

taking into account the background context. Depending on the weighting being given to the emerging local plan, there is an option of objection on the basis that is application is not policy compliant (with the lack of 1ha. education land offer.)

West Essex Clinical Commissioning Group

9.25 Conclusions:

In its capacity as the primary healthcare commissioner with full delegation from NHS England, West Essex CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

The capital required through developer contribution (£51,267) would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

Assuming the above is considered in conjunction with the current application process, West Essex CCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated. The terms set out above are those that West Essex CCG and NHS England deem appropriate having regard to the formulated needs arising from the development. West Essex CCG and NHS England are satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF. West Essex CCG and NHS England look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

10. REPRESENTATIONS

10.1 33 Representations have been received. Expiry date 10th September 2019

10.2 Summary of representations received as follows:

Impact on services and amenities which are already overstretched.

Air pollution

Impact on Grove Hill.

Inappropriate housing mix. No spacious bungalows

A corner shop should be included

Lack of infrastructure, such as sewage, water, drainage, schools , shops, and surgery.

Access – too narrow. Blind bend, inadequate pedestrian footpath.

Surface water drainage

Impact on Public rights of way

Ecology

Population of Elsenham has more than doubled.

Congestion with added traffic. Present levels are causing gridlock.

Highway and railway safety

Loss of countryside and agricultural land

Concerns re unmanned crossing at Fullers End.

Architecturally neutral standardised , cookie cutter house type.

Impact on listed buildings in particular St Marys Church and Elsenham Hall.

Effect on verges, footpaths etc

Lack of amenities
Impact on bridge
Overdevelopment.
Further approvals will open the floodgates allowing further developers and landowners to perceive Elsenham as an easy target.
It is essential that a safe place is provided for school access and should provide a much needed drop off point for Elsenham School.
Impact on Public Rights of Way.
Impact on Countryside Protection Zone.
No public Consultation held before outline planning permission was granted.
Elsenham has had 400 new houses since Planning Inspector in 2014 in rejecting the then Local Plan stating unsuitable for further development
Health implications
There are not enough bungalows
Buildings of 2.5 stories are inappropriate in a rural setting
Loss of dog walking land. This has put enormous pressure on the local Ancient Woodland of Alsa Wood, Aubrey Buxton Nature Reserve and the SSSI of nearby Hatfield Forest.
Country roads cannot cope. Grove Hill is already a bottleneck, madness.
Elsenham has done its bit for the housing crisis
The so called green space is greatly lacking
This is an area of not only heritage interest, but nature and this will surely destroy much of what we love and came here for.
Why is Elsenham being subjected to the onslaught of development? Surely it should be limited to areas where there is more space and the infrastructure to handle the increased road traffic.
Impact of Construction traffic: noise, mud, vibration
Although there is a weight limit of 7.5 tonnes at Grove Hill, this weight restriction is ignored.
The development will cause traffic problems at the top of Hall Road.

11. APPRAISAL

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

- A Principle of development of this site for residential development (NPPF, ULP policies S7, S8 and GEN2)
 - B Access, and impact on highway network (ULP Policy GEN1 and NPPF)
 - C Design , impact on neighbours amenity and impact on adjacent Listed Buildings (NPPF and ULP Policies GEN2, ENV2 and SPD “Accessible Homes and Playspace”);
 - D Vehicle Parking Standards (ULP Policy GEN8);
 - E Housing Mix (ULP Policy H10);
 - F Affordable housing , Education Contributions and Health Contributions (ULP Policies H9 and GEN6);
 - G Flood Risk and Drainage (ULP policy GEN3, NPPF)
 - H Biodiversity and Protection of Natural Environment (ULP policies GEN7, GEN2, ENV7 and ENV8)
 - I Noise, Pollution and Air Quality (ULP Policies ENV10 and ENV13)
- A Principle of development of this site for residential development (NPPF, ULP policies S7, S8 and GEN2)

- 11.1 The application site is located outside the development limits of Elsenham within open countryside and is therefore located within the Countryside where ULP

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

- 11.2 In addition to the above, the site is located within the Countryside Protection Zone and is subject to policy S8 which applies strict control to new development, particularly where new buildings would promote coalescence between Stansted Airport and existing development in the countryside or it would adversely affect the open characteristics of the zone. The introduction of 130 dwellings would be harmful to the rural characteristics of the area. It would erode the openness of the area and promote the coalescence between Elsenham and Stansted Airport. Therefore the proposal would be contrary to ULP policy S8. Notwithstanding this, there is a presumption in favour of sustainable development as set out in the NPPF.
- 11.3 S70 (2) of the Town and Country Planning Act 1990 states that "in dealing with a planning application the local planning authority shall have regard to the provisions of the Development Plan so far as is material to the application and to any other material considerations". S38 (6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF reiterates this requirement and paragraph 5 confirms that the NPPF is a material planning consideration. Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In this regard, the most recent housing trajectory identifies that the Council has a 2.68 year land supply. The Council considers that it is a 5% buffer authority and that there has not been a persistent under-supply of housing delivery.
- 11.4 It is therefore necessary to assess whether the application proposal is sustainable and presumption in favour is engaged in accordance with paragraphs 7 - 11 of the NPPF
- 11.5 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. Due to the Council not having a 5 year land supply then the tilted balance of the NPPF would apply and as a consequence, sites that are located in the countryside are being considered for residential development by the council to address this shortfall.

- 11.6 Economic: The NPPF identifies this as contributing to build 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. The proposed development would provide economic benefits by the provision of jobs during the construction phase, although these would be of a temporary nature. The occupiers of the proposed dwellings could provide some additional support for the local facilities, such as the shop and pub. However, the proposals would also result in increased pressures on existing facilities, such as health care and education. The impacts on local infrastructure could be mitigated by the way of financial contributions as identified by the consultees and these could be secured by way of s106 Legal Obligation. As such the economic benefits have moderate weight in the planning balance.
- 11.7 Social: The proposal would deliver social benefits by the way of 130 dwellings, including 40% affordable houses. This would be a significant benefit given the lack of a 5 year housing land supply in the district. The proposals also include areas of open space, financial contributions towards the provision of the new community centre as part of Elsenham Policy 2, the change of use of 0.371 Ha of agricultural land for educational use which would be transferred to Elsenham Church of England Primary School and financial contributions towards health care.
- 11.8 In terms of sustainability, the Transport Statement demonstrates that the site is located near to existing public bus stops and is served by existing bus routes that give access to Stansted Airport and Bishops Stortford, Stansted Mountfitchet and Saffron Walden. The proposal would include financial contributions towards improved bus service serving key destinations including Stansted Mountfitchet, Bishops Stortford and Stansted Airport. Ultimately it is planned that this contribution, combined with other contributions, will be used to provide a half hourly service during the week and enhanced evening services. The site also provides access to Elsenham railway station and the main line service between Cambridge and London. The village of Elsenham is also relatively well served with facilities, many of which are within walking distance of the application site and development of the site would allow residents to access facilities by means other than the motor car.
- 11.9 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. As stated above, the introduction of 130 dwellings would be harmful to the rural characteristics of the area. It would erode the openness of the area and promote the coalescence between Elsenham and Stansted Airport. Therefore the proposal would be contrary to ULP policy S8. This impact would need to be weighed against the benefits of the proposal. The site is also adjacent to a Listed building , although it is considered that the proposal would not impact on the setting of the Listed building (please see below)
- 11.10 A further material consideration is that the site has previously been granted outline planning permission under UTT/13/ 0177/OP for up to 130 dwellings and that it is an allocated site, under Policy ELS2, within the Emerging Local Plan for up to 130 dwellings. As such it is considered that the principle of development of the site has been established. It is considered that the weight to be given to the requirement to provide a 5 year land supply and that the housing provision which

could be delivered by the proposal would outweigh the harm identified in relation to rural restraints set out in ULP policies S7 and S8. The site is relatively sustainable and, in balancing planning merits, taking into account the many benefits of the proposal it is considered that the principle of the development is acceptable.

B Access and impact on highway network (ULP Policy GEN1 and NPPF)

- 11.11 Policy GEN1 states: Development will only be permitted if it meets all of the following criteria:
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
 - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network
 - c) The design of the site must not compromise road safety and must take account of the needs of cyclists.
 - d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to access.
 - e) The development encourages movement by means other than driving a car.
- 11.12 Several objections and concerns relating to the effect in which the proposed development would have upon highway safety due to the increased amount of traffic movements to and from the site resulting in unwanted traffic congestion on the surrounding highway networks and junctions.
- 11.13 The application is supported by a Transport Assessment which includes committed development (development sites for which planning consent has been granted) in Elsenham and Stansted Mountfitchet, additionally it includes a sensitivity test of the possible future development of 350 residential units on Henham Road (not committed and subject of a current planning application). Cumulative impacts in particular need to be considered in relation to impacts on Henham Road/ High Street and Lower Street/Grove Hill junctions. Essex Highways, using contributions from another site, has recently upgraded the Grove Hill junction and test of the new equipment has shown that the detection of traffic is such that it will achieve the mitigation needed.
- 11.14 In view of the above, Essex County Council Highways and Highways England have been consulted. They state: the works that have already occurred at the Grove Hill junction are sufficient to accommodate development traffic associated with development of Land West of Hall Road, in combination with a financial contribution to an improved bus service serving key destinations including Stansted Mountfitchet, Bishops Stortford and Stansted Airport. Ultimately it is planned that this contribution, combined with other contributions, will be used to provide a half hourly service during the week and enhanced evening services. This will provide an alternative to the car and it is expected will ultimately result in a reduced impact on the highway network. The bus service contribution for this site would be £347,328 (index linked from the date of this application). ~the applicants have agreed to pay a contribution towards the enhanced bus service and this would be secured by a S106 Legal Obligation should the application be approved.
- 11.15 The proposed access to the site via Hall Road has had to be widened to 5.5m to ensure the access meets current highway requirements for adoption. In addition, an emergency access is to be provided to the south of the site that will operate as

- a pedestrian/cycle access. An improved footpath connection will also be provided as part of this new pedestrian link along Hall Road.
- 11.16 A series of pedestrian access points are located around the site integrating the development into the wider network of Public Rights of Way
- 11.17 The proposals have also been considered with regards to their potential impact on the strategy highway network. This has been considered by Highways England who confirm that they consider that the proposals would not result in harmful impacts on the strategic highway network and therefore raise no objections to the proposals.
- 11.18 Several concerns have also been received relating to the intention not to provide adequate drop off and pick up facilities for the land transferred for educational use. This application is only for the transfer of the land for educational use and the detailed development of that land will be a matter for Essex County Council. Detailed planning applications will be progressed by Essex County Council once their plans for the land have been agreed and finalised. Indicative layout has been submitted to show how the site could accommodate a new playing pitch and nursery with associated parking. This has been designed to accord with ECC's specific requirements.
- 11.19 Due to the proximity of the proposed residential dwellings, Network Rail is concerned by the potential impact that this would have on the usage and safety of Fullers End level crossing, which is unmanned. The development is highly likely to increase usage of the adjacent public footpath level crossing at Fullers End. Funding for the closure and diversion of the level crossing have already been made from other developments, however they request that the development not be occupied unless and until the level crossing and the public right of way is closed and diverted as proposed by Network Rail or another proposal. It is not considered that this would meet the test for conditions and would not be reasonable.
- 11.20 A material consideration is that previous applications have not raised this as an issue and it did not form one of the previous reasons for refusal or concern by the Planning Inspectors of both previous appeals. Within appeal reference APP/C1570/A/14/2213855 relating to planning application UTT/13/1983/FUL the Planning Inspector made reference to the level crossing "there is no convincing evidence before me to demonstrate that this particular level crossing is inherently unsafe. It is currently available for use by existing residents of Fullers End and by workers at the appeal site wishing to gain access to services in Elsenham. The use of the crossing by future occupiers of the dwellings does not seem to me to make the crossing unsafe. Whilst it may not appropriate for all sections of the community including unaccompanied children, this route is used at present and could be by future residents in appropriate circumstances. It therefore offers residents a choice of transport mode."
- 11.21 In view of the above it is considered that the proposal would comply with the aims of Policy GEN1.

C Design , impact on neighbours amenity and impact on adjacent Listed Buildings (NPPF and ULP Policies GEN2, ENV2 and SPD “Accessible Homes and Playspace”);

- 11.22 Policy GEN2 sets out the design criteria for new development. In addition, section 12 of the NPPF sets out the national policy for achieving well-designed places and the need to achieve good design. Elsenham is a small settlement and on its eastern edge the building pattern has diverse scale, style and form as it gradually opens out into the countryside. The undeveloped land opposite the site, modest period cottages and the narrow lane of Hall Road give the approach to the site a distinct semi-rural character. The site is a sensitive edge of village location and this development would be a transition between the built up confines of Elsenham and the rural land to its immediate south. Along the southern boundary, swales and landscaping would allow appropriate separation between the valley bottom and the dwellings. The area to the south of the site is to be largely retained as it will be used and managed as a reptile receptor site. The strip closest to the housing will be used as public open space with swaths of wildflower meadow and informal paths.
- 11.23 The proposal has been revised several times and in terms of layout and amenity space, the proposals more than adequately meet the space requirements recommended in the Essex Design Guide. Back to back distances and distances to boundaries are met. All of the units have private amenity spaces. The Essex Design Guide recommends that dwellings or 3 bedrooms or more should have private amenity spaces of 100sqm+. and 2 bedroom properties 50 sqm+. The gardens accord with the requirements of the Essex Design Guide. Each plot has adequate private or shared amenity space to accord with the requirements of the Essex Design Guide.
- 11.24 The proposal has been designed to avoid overlooking, overshadowing and overbearing impact. Following feedback from Elsenham Parish Council and representations received, all three storey buildings have been removed and the number of bungalows has been increased from six to eight (four are chalet bungalows as requested by the Parish Council). A four bedrooomed affordable house has been added. The dwellings are a mix of bungalows, flats, coach houses and two storey houses. It is proposed a mix pallet of materials including cladding, rendered and brick and materials can be controlled if planning permission is granted.
- 11.25 The scale and design of the proposed dwellings are considered appropriate for this edge of settlement location
- 11.26 A large area to the south of the site would be retained as open land. Two areas of open space within the site are also proposed, in the form of a LAP and a LEAP. Approximately a third of the site will remain as green space. The existing public footpaths, which run through the site are to be retained providing connectivity.
- 11.27 To the east of the site is a Listed Building known as The Old Vicarage. The site also extends to Hall Road to the south and north of this property such that it wraps around the grounds of the Listed Building. Policy ENV2 relating to Listed buildings states that "demolition of a listed building, or development proposals that adversely affect the setting and alterations that impair the special characteristics of a listed building will not be permitted." Additionally, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 states that a planning authority shall "have special regard to the desirability of preserving the building or its setting..." and LPA's are required to apply this statutory advice when determining listed building applications.

- 11.28 The planning Inspector in his report APP/C1570/W/15/3006105 took the view that the setting of this heritage asset is “limited to the garden/grounds of the old Vicarage due to the enclosing effect of boundary treatment and mature planting. The mature vegetation between the listed building and the site is to be retained. On that basis, the appeal development would stand close to but beyond the Listed Building’s setting, such that its setting would be unaffected”.
- 11.29 This application is similar to the previously refused application and it is considered that this proposal would result in less than substantial harm to the setting of the adjoining listed building, at the lower end of the spectrum. It is therefore necessary to determine if the tilted balance is applied in this instance. Given the very enclosed setting of the listed building, and the Inspector’s comments in respect of the earlier appeal, it is not considered that a reason for refusal on harm to heritage assets could be substantiated. Therefore, the tilted balance is engaged and it is considered that the benefits of the scheme would outweigh the less than substantial harm to the heritage assets. The development is therefore considered to be in accordance with the Listed Building and Conservation Act 1990, the NPPF and ULP policy ENV2.
- 11.30 The Parish Council have requested that a start and finish times should be agreed in the S106 Legal Obligation, however, this would be secured by a construction Management Plan that if the application is approved can be secured by a suitably worded condition.
- 11.31 The proposal would comply with the aims of Policies GEN2 and ENV2.

D Vehicle Parking Standards (ULP Policy GEN8);

- 11.32 The proposed properties are a mixture of one, two, three, four and five bedroom dwellings. The adopted Uttlesford District Council parking standards require the provision for one parking space for a one bedrooned dwelling, two parking spaces per dwelling for two and three bedroom dwellings and three parking spaces for three+ bedrooned properties and additional visitor parking spaces
- 11.33 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.
- 11.34 Several of the representations make reference to highway issues and parking, however a transport statement has been submitted with the application and the Highway's Department have been consulted and raise no objections, subject to conditions, to the proposals on highway terms. As set out in the table attached it can be seen that each property meets the required parking standards. There would also be 36 unallocated parking spaces within the development to provide visitor parking. The proposals therefore satisfy the requirements of ULP Policy GEN8.
- E Housing Mix (ULP Policy H10);**
- 11.35 Policy H10 states that all development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total.
- 11.36 The proposal relates to the erection of 130 dwellings. This would be a mix of 1,2,3,4 and 5 bedroom properties. Affordable housing would be provided at 40%. In line with adopted Policy H10, this would be a mix of shared equity dwellings and affordable rent.
- 11.37 The proposals would provide an appropriate mix of housing and as such the proposals would be able to comply with Policy H10.
- F Affordable housing , Education Contributions and Health Contributions (ULP Policies H9 and GEN6);**
- 11.38 Policy H9 states that the Council will seek to negotiate on a 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.
- 11.39 The Strategic Housing Market Area Assessment supports the provision of a range of Affordable Housing: Affordable Housing provision (rounded up to the nearest whole number) 40% on sites of 15 or more dwellings or sites of 0.5ha or more.
- 11.40 The site area is. 6.66 hectares and as such a provision of 40% affordable housing is required. The proposal includes 52 affordable housing units and one of the Council's preferred Registered providers has confirmed that they will deliver them if the proposal is approved. Following comments from Elsenham Parish Council one of the Affordable Housing units is provided as a four bedrooomed property
- 11.41 The proposal includes for a tenure split of 60% Affordable Rented and 40% Shared Ownership properties, The clusters do not, however, meet the Council's policy as they are above 10 units, although they are spread throughout the development in appropriate cluster sizes to ensure effective management and

assist in providing an integrated and diverse place to live for all future residents within the scheme. This was supported at appeal for application UTT/14/0771/DFO where the Inspector stated: "while, I also note that there would be a higher proportion of affordable housing in some parts of the site, in my view this is not disproportionate such that it would be reasonably well integrated within the site and the wider community". The legal agreement attached to the previous outline approval for the site UTT/13/0177/OP made provision for groups of higher than 10.

- 11.42 The Housing Enabling Officer has raised concerns regarding FOGS (coach houses in this application) to be provided for affordable rented use. However, it is considered that all dwellings provided would be suitable for all future tenants, whether rented or shared ownership. In addition, there is a registered housing provider that is in agreement with this and have confirmed that they will deliver them if the proposal is approved. A further concern raised is that FOGS do not have amenity space. However, the proposal has been revised and in this proposal all of the FOGS now have access to private or shared amenity provision. The proposals also allow for the neighbouring Affordable Rent properties to allocate their parking underneath the relevant coach house, this will mean that all parking underneath the coach house is therefore allocated within the Affordable rent tenure.
- 11.43 The applicant has indicated that they are prepared to enter a S106 legal agreement to provide the affordable housing. Subject to this agreement being completed, the proposal would comply with the requirements of Policy H9.
- 11.44 The proposed development is likely to have an impact on the services of one GP practice operating within the vicinity of the application site. The GP practice does not have capacity for the additional growth resulting from this development.
- 11.45 The proposed development will likely have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development.
- 11.46 West Essex CCG has been consulted on the application and they advise that it is the intention of West Essex CCG is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View.
- 11.47 The development would give rise to a need for improvements to capacity, in line with both the emerging CCG and STP estates strategies, by way of an extension, refurbishment, reconfiguration or potential relocation for the benefit of the patients at Elsenham Surgery; a proportion of the cost of which would need to be met by the developer. As such a developer contribution will be required to mitigate the impact of this proposal. West Essex CCG calculates that in this instance sum required to be a total of £51,267. This can be secured via a S106 Legal Obligation to which the applicant has agreed.
- 11.48 The emerging Local Plan Policy ELS2 allocates the application site for the development of approximately 130 dwellings. Policy ELS2 states that detailed proposals that comply with other relevant policies and meet site specific development requirement will be permitted. Criterion 2 of that policy states:

Development respects the amenity of existing dwellings adjoining the site; The development is designed to mitigate adverse effects upon existing residential and

community interests and may be required, by legal obligation, to provide or contribute towards wider and longer term planning benefits reasonably associated with the alleviation of any such impact.

- 11.49 Criterion 5 states that part of the development site (approx 1 Ha) be retained for educational purposes as part of the expansion of Elsenham Primary School. This proposal includes the change of use of 0.371 Ha of agricultural land for educational use which would be transferred to Elsenham Church of England Primary School. The applicant has stated that this is substantially less than the 1 Ha that the policy requires because it is not achievable or deliverable due to the amount of engineering works needed to make the land fit for purpose and difference in land levels. The smaller area has been agreed on the basis of the cost of levelling the whole hectare, envisaged by the emerging Local plan, being too great.
- 11.50 Essex County Council Education has also therefore identified a requirement for additional Early Years and childcare, primary and secondary places to accommodate the increased number of pupils likely to arise as a result of this development proposal. This would require financial contributions to off-set the impacts, £188,157.60 for Early Years and Childcare, £557,136 in respect of Secondary provision and also £225,000 in respect of primary provision.
- 11.51 The primary figure of £225,000 is the cost of an all-weather pitch. ECC Education state that previous applications featured a financial contribution in respect of primary provision and has since formed part of their forecasting work, and so the places were delivered by other means, when the original application did not come to pass. They consider that the developer should cover the additional costs of accepting a smaller piece of land (provision of the all-weather pitch) is a legitimate request, taking into account the background context
- 11.52 The site of 0.371 hectares is substantially less than the 1 ha required in the emerging local plan and whilst the reason for this is understood, more dwellings can now be provided on the site and therefore commercially the site is more attractive.
- 11.53 Whether this is CIL compliant: The community Infrastructure Levy (Amendment) (England) (No 2) Regulations 2019 , Regulation 11 has deleted CIL Reg 123. This removed the pooling requirements. This came into force on the 1st September 2019.
Cil Reg 122 is still operative: A planning obligation can only be sought if it is:
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.
It is considered that the ECC request is policy compliant.
- 11.54 The application also provides open space as required by Policy ELS2. The provision/completion and on-going maintenance whether by Elsenham Parish Council or a private management company will be subject to a Section 106 Legal Obligation.
- 11.55 The applicant will also be expected to make a contribution towards the provision of the new community centre as part of Policy ELS2. A contribution of approximately 31% towards the cost of the centre which would be proportional to the numbers of dwellings proposed within the application up to a maximum of

£310,000 is therefore being sought. The applicant has agreed to pay this contribution and it would be secured by a section 106 Legal Obligation if the application is approved.

- 11.56 A draft section 106 has been sent to the applicants to expedite matters. It is considered that, subject to the developer entering a S106 Legal Obligation to provide the above contributions, the proposal would comply with the requirements of ULP Policy GEN 6 and emerging plan Policy ELS2.

G Flood Risk and Drainage (ULP policy GEN3, NPPF)

- 11.57 The NPPF states that inappropriate development in areas of high risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 11.58 The site has a slope that falls away from the northern boundary down towards Stansted Brook with a level difference of approximately 15m
- 11.59 The built form of the development proposed lies within Flood Zone 1 (low probability of flooding) as defined by the Environment Agency.
- 11.60 The application is accompanied by an Environmental Impact Assessment and a Flood Risk Assessment. The Lead Local Flood Authority, following the submission of the requested additional information, raises no objections to the proposals subject to conditions requiring a surface water drainage scheme for the site to be submitted and approved, a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution to be submitted and approved, a maintenance plan detailing the maintenance arrangements to be submitted and agreed and for the applicant or any successor in title must maintain yearly logs of maintenance which must be available for inspection on request by the Local Planning Authority.
- 11.61 The proposals have also been considered by Thames Water who confirm that no objections provided that the developer follows the sequential approach to the disposal of surface water. As such, the proposals comply with Policy GEN3 and the NPPF
- 11.62 The site is located 6km from Stansted Airport and as such Airport Safeguarding team stipulate that bodies of open water must be avoided, owing to the possibility of attracting large numbers of birds, with the consequent risk of aircraft bird strike. The swales will be grassed depressions and the water will pass through the grass and are designed not to pond in the worst case storm events.

H Biodiversity and Protection of Natural Environment (ULP policies GEN7, GEN2, ENV7 and ENV8)

- 11.63 The application site itself is not the subject of any statutory nature conservation designation being largely an open grassland field with some mature trees and hedgerows scattered along its boundaries.
- 11.64 The application site is located in relatively close proximity to an important and Ancient Woodland and a Local Wildlife Site (Elsenham Hall Fields). In addition, the site is within the Zone of Influence for development that could potentially

adversely affect Hatfield Forest, which is a Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR)

- 11.65 Policy GEN7 seeks to protect biodiversity, protected species and habitats. The application is accompanied by an Ecological Impact Assessment, a water Vole and Otter Survey, Reptile Mitigation Strategy, Preliminary Ecological Strategy, Arboricultural Impact Assessment, Badger Survey, a Landscape and Visual Impact Assessment, and a Recreational Strategy Plan. There were no records for protected or rare species for the site itself, although there were numerous records for species within 2km of the site.
- 11.66 All veteran trees will be retained and protected throughout development, unlike the previously refused schemes, although the proposal would involve the loss of 15 individual trees, one group and short sections of two groups and one hedge. The loss of the trees to implement the proposal will have minimal impact upon visual amenity and will be mitigated by new landscaping which would include significant tree, shrub and hedgerow planting. The central green corridor has been strengthened, the native hedge provides shelter and a habitat for a range of locally occurring species and facilitates movement of local fauna between the north and south of the site and beyond. The proposed landscaping would provide a suitable buffer and transition to the Stansted Brook. This area would be used as a reptile receptor site.
- 11.67 A small population of slow worms was recorded using the habitats on the site, particularly on the northern and eastern boundaries. To avoid harm to reptiles during the construction stages, a translocation of the 'low' population of slow worms will be required. By completing a translocation for slow worms, it is considered that the risk of harm to reptiles during construction would be minimised. It is also considered that the habitat enhancement and management post-translocation will maintain and possibly increase the translocated slow worm population.
- 11.68 No evidence of water voles or otters were recorded when the survey was carried out. Bats have also been observed using the site on both bat surveys carried out. The bat activity appeared to be mainly along the boundaries of the site and the separating hedgerow across the centre. The bats were using the hedgerows for commuting as well as foraging. However, bat activity has been noted throughout the site. External lighting would have a negative impact upon foraging and roosting bats, and on bat roosts if present within onsite trees. The use of lights near a known bat roost, or an area known to be used by bats that results in disturbance to bats and their normal pattern of behaviour is likely to be unlawful. Therefore the implementation of a lighting minimisation scheme is recommended. This will enable the bats to use the hedgerows as commuting and foraging routes and roost in the trees undisturbed. This can be secured by condition.
- 11.69 The submitted documents have been assessed by the County Ecologist and they, following further surveys reports and additional information being submitted to overcome their holding objection, now have no objection subject to securing biodiversity mitigation and enhancement. The Council's Landscape Officer also has no objections.
- 11.70 Policies ENV7 and ENV8 seek to protect designated sites for nature conservation and other landscape elements of importance for nature conservation. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands. The site itself does not fall within any designated areas, but does lie

within 100m of a local wildlife site. Given the nature of the proposals and the open space and ecological measures included in the scheme, it is not considered that the proposals would result in any significant adverse harm to these areas. As such the proposals comply with Policies ENV7 and ENV8.

- 11.71 Natural England and the National Trust have requested that in order to mitigate against the recreational impacts of the development on Hatfield Forest, SSSI and NNR that on site mitigation of and off site mitigation are requested:

On-Site Mitigation

On-site measures which would help relieve the pressure on Hatfield Forest should be provided. These should take the form of:

- High-quality, informal, semi-natural areas, to be provided prior to first occupation of the dwellings;
- A circular dog walking route within the site to be provided prior to first occupation of the dwellings;
- A dedicated ‘dogs-off-lead’ area, to be provided prior to first occupation of the dwellings;
- Educational signage and a ‘Home Pack’ to householders to promote these areas for recreation, to be provided prior to first occupation/to the first occupants of the new dwellings.

Off-Site Mitigation

- A financial contribution of £19,000 to the National Trust for use at Hatfield Forest towards visitor and botanical monitoring and mitigation works.

- 11.72 In summary, the National Trust does not object to the principle of this development. However, if the LPA is minded to approve the application, it is requested that appropriate mitigation for recreational impacts upon Hatfield Forest SSSI and NNR are secured through a S106 Legal Obligation in consultation with the National Trust and Natural England. The onsite mitigation can be secured by an appropriate condition.
- 11.73 With regards to the request for a financial contribution towards mitigation for Hatfield Forest, this is based on a draft document setting out a 14.1km Zone of Influence around Hatfield Forest. The relevant authorities involved in the potential implementation of this strategy are currently working with the National Trust and Natural England to agree the basis of the full consultation document. Although the applicant has agreed to the payment of the contribution via a section 106 Legal Obligation, this is not a strategy adopted by Uttlesford District Council at the present time and therefore the request is not CIL compliant. It is therefore considered that the financial contribution is not appropriate in this instance.
- 11.74 The Parish Council and Ecology have also requested that local recreational walking is encouraged, the detail of which need to be secured under a section 106 Legal Obligation. It is considered that it would be more appropriate to secure this through a suitable worded condition, with the help of the Parish council, to which the applicants have agreed.
- 11.75 As the site is located close to Stansted Airport, any planting on the site, should not include a high proportion of berry bearing plants that attract birds as this could result in bird strike and threaten Air safety. This can be addressed by a suitably worded condition.

- 11.76 In view of the above, it is not considered that the proposal would have any material detrimental impact in respect of protected species or biodiversity to warrant refusal of the proposal and accords with ULP policy GEN7.
- I **Noise, Pollution and Air Quality (ULP Policies ENV10, ENV13).**
- 11.77 The application site is in close proximity to Grove Hill junction in Stansted and also is adjacent to Network Rail, railway lines. The Parish Council have raised concerns in respect of the dominant noise source affecting the site is the train line along the western boundary of the site which may require some form of mitigation (glazing and acoustic barriers etc.)
- 11.78 The application is accompanied by an Air Quality Assessment and a Noise Assessment. The Council's Environmental Health Officer has considered the Assessments and subject to a condition requiring a scheme for protecting the occupants of the proposed dwellings from noise from road and rail traffic to be submitted and agreed by the Local Planning Authority and a further condition requiring a Construction Method Statement to be submitted is satisfied that no adverse impacts will result from the proposals. As such, subject to condition, the proposals comply with Policy ENV10.
- 11.79 Representations have been received in respect of potential harm in respect of air pollution. The site is not in an area currently monitored for air quality (AQMA) and Environmental Health officers have been consulted, who confirm that they are not concerned in respect of air quality issues and that they have no objections to the proposal.
- 11.80 In order to encourage cleaner vehicle usage a condition is recommended for the provision of electric charging points to be provided. The developer has agreed to provide all dwellings with garages and each block of flats with electric vehicle charging points.
- 11.81 Additionally, the Highway Authority are cognisant of more detailed assessment of the Grove Hill junction that has been carried out by the transport consultant engaged in connection with another development site. The model used for this assessment was able to replicate the current situation at Grove Hill junction in the town and forecast future impact. As a result mitigation works have been identified that demonstrate significant benefit to the operation of the junction and reduce the current and future queues taking account of development traffic arising from both Land West of Hall Road and their own development site.
This modelling has been validated and checked by the transportation modelling team in Essex Highways.
- 11.82 Essex Highways has recently upgraded the Grove Hill junction, and test of the new equipment this has shown that the detection of traffic is such that it will achieve the mitigation referred to above. Therefore, it is the view of the Highway Authority that the works that have already occurred at the Grove Hill junction are sufficient to accommodate development traffic associated with development of Land West of Hall Road, in combination with a financial contribution to an improved bus service serving key destinations including Stansted Mountfitchet, Bishops Stortford and Stansted Airport. Ultimately it is planned that this contribution, combined with other contributions, will be used to provide a half hourly service during the week and enhanced evening services. The applicant has agreed to pay a financial contribution of £347,328 (index linked from the date of this application) to support the enhancement of the bus network and provide a

half hourly service to link Elsenham to key villages, towns and employment areas, or any other improvement to bus services or bus infrastructure that will serve the site which would be secured by a s106 Legal Obligation. This will provide an alternative to the car and it is expected will ultimately result in a reduced impact on the highway network.

12. CONCLUSION

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

- A** The principle of residential development is considered acceptable.
- B** The means of access to the site is acceptable and that the proposals would not result in harmful impacts on the strategic highway network
- C** The design, scale and layout is considered to be appropriate for this edge of settlement location.
- D** Adequate parking provision would be provided to meet the adopted parking standards.
- E** The housing mix provision is considered appropriate and in accordance with policy.
- F** The affordable housing provision is acceptable and contributions are in accordance with emerging Local Plan policy ELS2.
- G** There would be no increase in flood risk and the proposed drainage subject to conditions is acceptable.
- H** There would not be any adverse impacts on biodiversity, subject to implementation of identified mitigation
- I** The proposal is acceptable in respect of noise and pollution and air quality subject to mitigation measures.

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) provision of 40% affordable housing
- (ii) payment of education contribution
- (iii) contribution of 31% of cost of community facility up to a maximum of £310,000
- (iv) Transfer of land 0.37ha of agricultural land for educational use.
- (v) Provision/ completion and long term on-going maintenance (whether Elsenham Parish Council or private management company) of open space (including LAP and LEAP)
- (vi) long-term maintenance arrangements for the sustainable drainage system (SuDS)
- (vii) Payment of contribution towards visitor and botanical monitoring and mitigation works at Hatfield Forest
- (viii) Financial contribution to enhance bus services (contribution of £347,328 (index linked from the date of this application))
- (ix) Contribution towards health care

- (x) payment of the Council's reasonable legal costs
- (xi) payment of 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 by 6th February 2020, the Assistant Director Planning shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:

- (i) inadequate provision of affordable housing
- (ii) Non-payment of education contribution
- (iii) Non- payment of the contribution for the community facility.
- (iv) Non- transfer of land for educational use
- (v) Non- provision of open space
- (vi) lack of suitable long-term maintenance arrangements for the open space
- (vii) lack of suitable long-term maintenance arrangements for the proposed sustainable drainage system (SuDS)
- (xii) Non- payment of contribution towards monitoring and mitigation works at Hatfield Forest
- (viii) Non -payment of public transport contribution towards enhancement of local bus services.
- (ix) Non- payment towards health care

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, an updated Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development.

The content of the LEMP shall include the following:

- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organization responsible for implementation of the plan.
- 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 Policy GEN7 of the Uttlesford Local Plan (adopted 2005)

Justification for pre- commencement condition: It is a legislative requirement to ensure that appropriate mitigation strategies are implemented where necessary to ensure that protected and priority species are not harmed by new developments

- 3 If the development hereby approved is not commenced within one year of the planning consent further ecological surveys of the site shall be carried out to update the information on the species and the impact of the development, the survey results along with an amended Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by the Local Planning Authority and implemented as agreed.

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 Policy GEN7 of the Uttlesford Local Plan (adopted 2005)

- 4 Prior to the development reaching slab level, 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 Policy GEN7 of the Uttlesford Local Plan (adopted 2005)

- 5 No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
 - Limiting discharge rates to 7.12 l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 100 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON: To prevent 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

Justification for pre- commencement condition: Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site. In accordance with Policy GEN3 of the Uttlesford Local Plan and the NPPF.

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

REASON: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed. In accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005)

Pre- commencement condition justification: Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during construction works

- 7 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage

system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

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

Justification: Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site. In accordance with ULP policy GEN3 of the Uttlesford Local Plan (adopted 2005)

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

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

- 9 No development to take place until the detailed landscaping plans are revised to reduce the berry bearing proportion of the planting scheme to less than 30% in each group. The plans should be submitted to the LPA for approval in consultation with the aerodrome safeguarding authority for Stansted Airport.

REASON: Flight safety – birdstrike hazard: all landscaping at this location needs to minimise the exploitable food resource for hazardous flocking species of birds. It is important that any conditions in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Stansted Airport, or not attach conditions which Stansted Airport has advised, it shall notify Stansted Airport, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002. In accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005)

Pre- commencement condition justification: In the interests of aviation safety.

- 10 The development shall be carried out in accordance with the submitted flood risk assessment 'Hall Road, Elsenham; Flood Risk Assessment Addendum' prepared by Aecom (reference: 334156) and addendum letter from Robert Wynn dated 17 July 2019:

Finished flood levels shall be set no lower than 81.2m above Ordnance Datum (AOD). These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy GEN 3 of the Uttlesford Local Plan (adopted 2005)

- 11 No development shall take place until a scheme for protecting the proposed dwellings from noise from road and rail traffic has been submitted to and approved in writing by the local planning authority. The scheme shall be based on the recommendations identified in the Auracle Acoustics report dated 18th January March 2013 (Ref: 2013-01-18). None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

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

Pre- commencement condition justification: To ensure that the resulting development does not prejudice the health and future occupants

- 12 Prior to the commencement of the development A Construction Method Statement shall be submitted to and approved by the Local Planning Authority. The construction phase shall be undertaken in accordance with the approved statement for the duration of the works. The statement shall provide for such matters as:
- i. The parking of vehicles of site operatives and visitors;
 - ii. Loading and unloading of plant and materials;
 - iii. The storage of plant and materials used in constructing the development;
 - iv. The control of noise from construction including the hours of working;
 - v. Wheel washing facilities;
 - vi. Measures to control the emission of dust and other air pollution during construction.

REASON: In the interests of highway safety and the control of environmental impacts, in accordance with Policies GEN2 and GEN1 of the Uttlesford Local Plan (adopted 2005)

- 13 Prior to occupation all dwellings with garages and each block of flats shall be provided with electric vehicle charging points. All points shall be fully wired and connected, ready to use and retained thereafter.

REASON: to encourage/support cleaner vehicle usage in accordance with policy ENV13 of the Uttlesford Local Plan (adopted 2005)

- 14 No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:
- Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination;
 - Phase 2 Site Investigation (where shown as necessary the Phase 1 Desk Study);
 - A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation)

All such work shall be undertaken in accordance with BS: 10175:2011 or other appropriate guidance issued by the regulatory authorities. The work shall be

sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.

REASON: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005)

Pre- commencement condition justification: To ensure that the resulting development does not prejudice the health and future occupants and does not harm water resources as potential receptors.

- 15 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.

REASON: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990, , in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005)

- 16 Prior to first occupation, the developer, shall be responsible for the provision of a home pack, per dwelling, which shall be submitted and approved with Elsenham Parish Council, giving information on recreation walks in the area, and promoting these areas for recreation .Additionally it shall provide on-site measures which would help relieve the pressure on Hatfield Forest should be provided. These should take the form of:
- High-quality, informal, semi-natural areas, to be provided prior to first occupation of the dwellings;
 - A circular dog walking route within the site to be provided prior to first occupation of the dwellings;
 - A dedicated ‘dogs-off-lead’ area, to be provided prior to first occupation of the dwellings;

REASON: On-site measures which would help relieve the pressure on Hatfield Forest and in the interests of reducing the need to travel by car in accordance with Policy GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005)

- 17 Prior to occupation of the development, an access shall be provided on to Hall Road with minimum carriageway width of 5.5m and 2 footways each of minimum width 2m, (as shown in principle on submitted drawing CB-45-141-001 Rev K) including clear to ground visibility splays with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway; visibility splays shall retained free of any obstruction at all times thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 18 Prior to occupation of the development, a pedestrian access shall be provided on to Hall Road, including a footway of minimum width 2m from the access to connect with the footway to the north and a drop kerb crossing to link to the footway on the east side of Hall Road, works to include clearance of vegetation

on existing footway to the north to ensure visibility and full width of existing footway. For the avoidance of doubt this access is for the regular use of pedestrians only and occasional emergency use for other vehicles as necessary, it should be gated to prohibit use by cyclists due to insufficient visibility.

REASON: To increase pedestrian accessibility of the site and in the interest of highway safety in accordance with policy DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policy GEN1 of the Uttlesford Local Plan (adopted 2005)

- 19 Prior to occupation of the development, turning and parking provision as shown on submitted drawing CB-45-141-001 Rev K and turning head adjacent to plot 50 extended to accommodate vehicle tracking as shown on submitted drawing 60588426-ACM-XX-XX-DR-CE-070009 P4 shall be provided and retained free from permanent obstruction and for that use thereafter.

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

- 20 Prior to first occupation an Order securing the diversion of the existing definitive right of way, footpath 13, Elsenham, to a route to be agreed with the Local Planning Authority to be obtained and the new route to be built to adoptable standards.

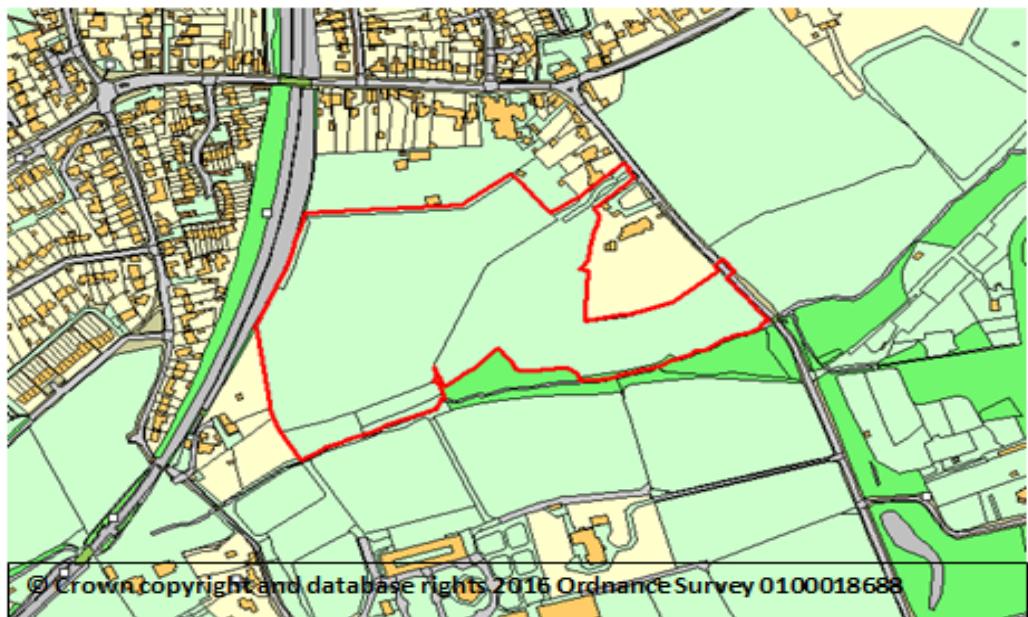
REASON: To ensure the continued safe passage of pedestrians on the public right of way and pedestrian accessibility and allow the PROW to be adopted as part of the pedestrian network if required by the highway authority and in accordance with policy DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policy GEN1 of the Uttlesford Local Plan (adopted 2005)

- 21 At an agreed phase of the development connections to public rights of way 13 and 17 Elsenham as shown in principle to on drawing number CB-45-141-001 Rev K to be provided to the satisfaction of the planning authority.

REASON: To ensure the continued safe passage of pedestrians on the public right of way and pedestrian accessibility and in accordance with policy DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policy GEN1 of the Uttlesford Local Plan (adopted 2005)

- 22 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



Organisation: Uttlesford District Council

Department: Planning

Date: 15 OCTOBER 2019

Plot	No of Bedrooms	Parking Provision	Garden Size M ² rounded up	Affordable Housing	Type of Housing
1	4	4	185		
2	3	2	135		
3	2	2	137		
4	3	2	111		
5	3	2	101		
6	3	3	142		
7	3	2	123		
8	2	2	75		
9	3	2	100	Y	
10	3	2	102	Y	
11	2	2	93	Y	
12	2	2	74	Y	
13	2	2	92	Y	
14	3	2	102		
15	3	2	109		
16	4	3	127		
17	4	3	124		
18	3	2	101		
19	3	2	102		

20	3	2	100		
21	3	2	116		
22	3	2	117		
23	3	2	105	Y	
24	3	2	101	Y	
25	2	2	52	Y	Bung
26	2	2	65	Y	Bung
27	3	2	100	Y	
28	3	2	100	Y	
29	3	2	100	Y	
30	3	2	105	Y	
31	3	2	118		
32	3	2	104		
33	4	3	135		
34	3	2	100		
35	3	2	101		
36	3	2	132		Bung
37	3	2	118		Bung
38	3	2	101		Bung
39	5	3	178		
40	3	2	110		
41	3	2	110		
42	3	2	125		
43	3	2	103		
44	3	2	100		
45	2	2	75		
46	2	2	71		
47	2	2	64		
48	4	3	109		
49	4	3	117		
50	2	2	78		Bung
51	2	2	103		Bung
52	3	2	121		Bung
53	4	3	158		
54	4	3	118		
55	3	2	100		
56	3	2	100		
57	2	2	70		
58	2	2	61		
59	2	2	84		
60	2	2	76		
61	3	2	100		
62	3	2	100		
63	4	3	100	Y	
64	2	2	74	Y	
65	3	2	100	Y	
66	2	2	61	Y	
67	2	2	59	Y	
68	2	2	79		
69	2	2	69		
70	4	3	111		
71	4	3	134		
72	4	3	157		

73	3	2	100		
74	3	2	108		
75	3	2	106		
76	3	2	104	Y	
77	3	2	102	Y	
78	3	2	101	Y	
79	2	2	58	Y	
80	2	2	25	Y	Coach House
81	2	2	52	Y	
82	3	2	100	Y	
83	3	2	100	Y	
84	3	2	101		
85	3	2	114		
86	3	2	103		
87	3	2	100		
88	3	2	123		
89	3	2	103		
90	2	2	79	Y	
91	2	2	70	Y	
92	2	2	71	Y	
93	2	2	58	Y	
94	2	2	223 Shared	Y	Coach House
95	2	2	223 Shared	Y	Coach House
96	1	2	223 Shared	Y	Flat
97	2	2	223 Shared	Y	Flat
98	1	2	223 Shared	Y	Flat
99	2	2	223 Shared	Y	Flat
100	2	2	223 Shared	Y	Flat
101	3	2	123		
102	3	2	108		
103	3	2	100		
104	3	2	100		
105	3	2	100		
106	3	2	100		
107	3	2	101		
108	3	2	104		
109	3	2	106		
110	3	2	108		
111	3	2	113		
112	2	2	65	Y	
113	2	2	69	Y	
114	2	2	55	Y	
115	2	2	56	Y	
116	2	2	79	Y	
117	2	2	61	Y	
118	1	1	266 Shared	Y	Flat
119	1	1	266 Shared	Y	Flat
120	1	1	266 Shared	Y	Flat
121	1	1	266 Shared	Y	Flat
122	1	1	266 Shared	Y	Flat
123	1	1	266 Shared	Y	Flat
124	2	2	266 Shared	Y	Flat
125	2	2	266 Shared	Y	Flat

126	2	2	28	Y	Coach House
127	2	2	67		
128	2	2	60		
129	2	2	52		
130	2	2	26		Coach House
Visitor Parking		36		52	

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Agenda Item 6

UTT/19/0437/OP (Elsenham)

MAJOR

PROPOSAL: Outline application for the erection of up to 40 dwellings with all matters reserved except for access

LOCATION: Land South of Rush Lane, Elsenham

APPLICANT: Rosconn, Nigel John Burfield Holmes, Rosemary Holmes, Mark Burfield Holmes, Robert Murton Holmes, Sasha Renwick Holmes and Tanya Renwick Cran

AGENT: Mr F Hickling c/o Phillips Planning Services Ltd

EXPIRY DATE: 04.06.2019 (extension of time agreed)

CASE OFFICER: Clive Theobald

1. NOTATION

1.1 Outside Development Limits / Within Countryside Protection Zone.

2. DESCRIPTION OF SITE

2.1 The site lies to the south of Rush Lane and comprises a sloping parcel of land consisting of 2.25 ha set mainly to grass and scrub and enclosed by boundary vegetation which falls down to Stansted Brook and the London to Cambridge railway line. A public footpath (No.29, Elsenham) runs through the site in a north-east to south-west direction linking Robin Hood Road with undeveloped land further to the south-west to the rear of the new Elsenham Vale housing development.

2.2 A row of modern terraced houses faces the site along Rush Lane to the immediate north. A row of further houses comprising a mixture of modern and older dwellings, including four listed buildings extends along Robin Hood Road on the site's east side leading down to the railway line which has a pedestrian level crossing to enable pedestrians to access Fullers End (Tye Green Road) and vice versa. A small development of very recently constructed houses front Tye Green Road to the immediate south of the level crossing extending behind on the site of a former timber yard and small industrial estate.

3. PROPOSAL

3.1 This outline application relates to the erection of up to 40 dwellings with all matters reserved except for Access. Members should be aware that the application was originally submitted as an outline scheme for "up to 44 dwellings" and also for Layout to be considered, although the scheme has subsequently been reduced in house unit numbers with consideration of layout now being dropped from the current application submission at the request of the applicant to be now considered at reserved matters stage.

3.2 A proposed parameters plan (drawing number 3417-04 dated September 2019) shows indicatively the proposed area of new housing on the site (coloured in

yellow), the proposed area of an associated LAP and also the extent of a green infrastructure strip running to the south of the housing area extending down to Stansted Brook and the railway line, to include the retention and enhancement of Public Footpath No.29, a new SuDS attenuation basin for the proposed development and a reptile habitat translocation zone

- 3.3 Vehicular access for the housing scheme would be taken off the front section of Rush Lane at the north-east corner of the site as indicated by the green vehicular route direction arrow shown on the submitted parameters plan and more particularly by detailed access drawings which accompany the application.
- 3.4 The application is accompanied by the following core documents:
 - Planning Statement
 - Design and Access Statement
 - Flood Risk Assessment
 - Landscape and Visual Appraisal
 - Preliminary Ecological Appraisal
 - Historic Environment Desk-Based Assessment
 - Transport Statement
 - Stage 1 Safety Audit
 - Air Quality Assessment
 - Noise & Vibration Statement

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The application proposal falls to be considered under Schedule 2, 10 (b) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Urban Development Projects). However, the proposal is not EIA development as (i) the development does not include more than 1 hectare of urban development which is not dwellinghouse development, (ii) the development does not include more than 150 dwellings and (iii) the overall site area of the development does not exceed 5 hectares.

5. APPLICANT'S CASE

- 5.1 The planning statement describes the site and its surroundings, relevant planning history, relevant planning policy, including reference to the Council's emerging Local Plan, consideration of the principle of development, the Council's current lack of a five year housing supply and an assessment of the tilted planning balance in terms of adverse effects versus the public benefits which would accrue from the proposal. The statement concludes that all of the relevant issues for consideration which arise with the proposal are addressed through the various accompanying reports submitted and more generally that;

"The Council are unable to demonstrate a 5-year supply of housing land and therefore the Development Plan is considered to be out of date, and proposals are to be determined within the context of the NPPF which has a presumption in favour of sustainable development. The proposal meets the NPPF's economic, social, and environmental objectives and therefore constitutes sustainable development. Major benefits of the proposal include the valuable contribution towards the undersupply of housing in the district, and the provision of up to 18 units of affordable housing and open space. The numerous reports submitted with the application demonstrate that the proposed development will not result in adverse impacts which significantly and

demonstrably outweigh these benefits. It is therefore considered to be acceptable in the context on the NPPF. Furthermore, the site has an allocation for residential development in the emerging Local Plan which demonstrates the Council already consider it to be appropriate. This allocation is also included in the Council's latest Housing Trajectory. Due to the amount of time it takes to deliver this number of dwellings, planning permission needs to be obtained in the short term in order for this assumed delivery to be achieved".

6. RELEVANT SITE HISTORY

- 6.1 There are no recently recorded planning applications relating to residential development for the site.
- 6.2 The site has been promoted through the Council's Call for Sites exercise in relation to the Strategic Land Availability Assessment (SLAA) in consideration of the production of the Council's emerging local plan, firstly in 2015 and again in 2018 as a re-assessment appraisal (site reference ELSE 1), the latter which includes reference to the Council's independent review and findings of the soundness and robustness of the Countryside Protection Zone (CPZ) and ULP Policy S8.

7. POLICIES

Uttlesford Local Plan (2005)

ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN3 – Flood Protection
ULP Policy GEN6 – Infrastructure Provision to Support Development
ULP Policy S7 – The Countryside
ULP Policy ENV2 – Development affecting Listed Buildings
ULP Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance
ULP Policy ENV10 – Noise Sensitive Development
ULP Policy ENV13 – Exposure to Poor Air Quality
ULP Policy ENV14 – Contaminated Land
ULP Policy H1 – Housing Development
ULP Policy H9 – Affordable Housing
ULP Policy H10 – Housing Mix

Uttlesford Emerging Local Plan

Policy SP1 – The Presumption in Favour of Sustainable Development
Policy SP3 – The Scale and Distribution of Housing Development
Policy SP10 – Protection of the Countryside
Policy H1 – Housing Density
Policy H2 – Housing Mix
Policy H6 – Affordable Housing
Policy TA1 – Accessible Development
Policy TA2 – Sustainable Transport
Policy TA4 – New Transport Infrastructure or Measures
Policy INF1 – Infrastructure Delivery
Policy INF3 – Health Impact Assessments
Policy D1 – Design
Policy EN1 – Protecting the Historic Environment
Policy EN4 – Development affecting Listed Buildings
Policy EN5 – Scheduled Monuments and Sites of Archaeological Importance

Policy EN7 – Protecting and Enhancing the Natural Environment
Policy EN10 – Minimising Flood Risk
Policy EN11 – Surface Water Flooding
Policy EN15 – Air Quality
Policy EN16 – Contaminated Land
Policy EN17 – Noise Sensitive Development
Policy C1 – Protection of Landscape Character

Policy ELS1 – Land South of Rush Lane, Elsenham

Supplementary Planning Documents/Guidance

SPD – Accessible Homes and Playspace

National Policies

NPPF

Other Material Considerations

Countryside Protection Zone Study (LUC, June 2016)

8. PARISH COUNCIL COMMENTS

8.1 Elsenham Parish Council supplementary objections

These objections are supplementary to the technical representations already submitted to Uttlesford District Council on behalf of Elsenham Parish Council by Gardner Planning.

1. Statement of Community Involvement

UDC is increasingly committed to the principle of community involvement in the early stages of development applications, as stated below:

4.3 Our key principles of engagement are:

- Engaging the community and stakeholders in the early stages of plan-making.
- Encouraging pre-application advice, by advising applicants to discuss future development proposals prior to submitting a planning application. This should include discussion with the local community on significant proposals (Statement of Community Involvement, March 2019).

There has been no attempt to involve the community in this application. Applicants for housing developments of similar size in the village have arranged public exhibitions at which their proposals were presented to, and discussed with, the public. Such public engagement has been found to be far more effective than reliance upon the availability of proposals on UDC's website.

Questions concerning such matters as boundaries, landscaping, footpaths, the surfacing of communal areas, maintenance and the establishment of a management company are of legitimate interest to the Parish Council, and should be discussed with the Parish Council.

2. Transport

It is claimed that

The village is directly served by the M11 motorway (junction 8 located around 5km to the south-east) (Design and Access Statement, 2.1; similar statement at 5.2).

The statement is incorrect in two respects. Junction 8 of the M11 is approximately 7.3 km from the proposed site; moreover, the access is anything but direct, as discussed below.

It is asserted that

The TS has been prepared using the Department for Transport's (DfT) document "Guidance on Transport Assessment" 2007. This TS will therefore cover the following matters:

- An assessment of the existing conditions on the surrounding highway network. (Transport Statement, 1.2)

There is nothing in the *Transport Statement* which attempts to fulfil this undertaking, and the proposal shows no awareness of the particular problems which beset access by road to Elsenham.

Elsenham is very curiously situated. It has a railway station, which makes it a target for developers, and yet the road links are peculiarly inadequate. The main route out of the village is through Stansted Mountfitchet, via the unique configuration at Grove Hill, and the continuation via Lower Street and Chapel Hill, Stansted Mountfitchet. The unpredictable delays and difficulties, particularly at Grove Hill, are so acute that some residents frequently have recourse to wholly unsuitable narrow winding country lanes as an alternative. Any serious attempt at an assessment of existing conditions would show familiarity with these various difficulties and impediments to vehicular progress.

The insufficiencies of the road links to Elsenham have been confirmed in important decisions. Central to the rejection in December 2014 by the Local Plan Inspector of the previous draft Local Plan was the inadequacy of the road links to Elsenham. The Inspector into the appeal against rejection of the proposed plan for up to 800 dwellings between Henham and Elsenham, UTT/13/0808, accepted the approach of the Local Plan Inspector, and concluded that the adverse impact on the surrounding road network was sufficient in itself to refuse the appeal; his view was confirmed by the Secretary of State in August 2016.

The Local Plan Inspector decided in December 2014 that the road network could not cope with further development. He could not have taken account of houses already scheduled but not yet occupied, since he was concerned with conditions on the ground. A close reading of his Report suggests that he felt that the road links were already inadequate:

My overall conclusion on the evidence is that there are severe doubts that Elsenham could overcome the connectivity disadvantages of its location sufficiently to be regarded as consistent with national policy or effective in being able to secure sustainable development (*Examination of the Uttlesford Local Plan: Inspector's Conclusions*, 2.16).

The Parish Council's analysis shows that more than 400 further dwellings will be occupied in the village in the period since the Inspector decided that a further allocation could not be sustained.

The *National Planning Policy Framework* is referred to by the applicants in the following terms:

As before, at paragraph 109, the revised NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impact on the road network would be severe (Transport Statement, p.9).

There can be no doubt that the cumulative impact on the road network of this application and all the others which have been passed recently in Elsenham would indeed be unacceptably severe. It is not a question of the number of dwellings included in the present or any future applications; the road network is inadequate now for the number of homes already committed.

3. Construction vehicles: access

The document Transport Assessment Appendix A (held wrongly on UDC's website as Transport Assessment Appendix B) shows the Refuse Vehicle Swept Path Analysis relative to the proposed site access. There is no such analysis for construction vehicles, which are often of much greater length than refuse vehicles. Clearly the site cannot be viable if it is impossible of access by construction vehicles.

4. Construction vehicles: vibration

It is concluded that 'noise and vibration does not pose a constraint to the proposed development' (Noise and Vibration Assessment, 7.5).

The applicants include a good description of the listed buildings on Robin Hood Road, comprising the Robin Hood pub, C18-C19 (now known as Fuller's Court); 1 and 4 Wells Cottages, C18-C19; 2 and 3 Wells Cottages, C17 (Historic Environment Desk-Based Assessment, 3.12 - 3.19).

There is no consideration of the impact of noise and, particularly, vibration on these existing buildings. It is known that Wells Cottages have no foundations. Heavy construction vehicles will necessarily pass close to these priceless heritage assets. It is imperative that a full study should be undertaken by a duly qualified, independent agency as to the likely consequences.

5. Parking, Rush Lane

Parking provision is inadequate for the residents of Rush Lane, and consequently parking is unavoidable outside nos 2, 4, 6 and 8 Rush Lane, and on the stretch of Rush Lane between the junction with Robin Hood Road and 2 Rush Lane.

There would be a clear conflict between these parked vehicles and access to the proposed site for construction vehicles, and for refuse lorries, and for vehicular traffic generally. Clearly the proposals are not viable in their present form for this reason alone.

6. Attenuation pond and sustainable drainage system

The applicants promise:

Ecological enhancement of the site, along with increased biodiversity, through the creation of an attenuation pond, resulting in new habitats (*Design and Access Statement*, 4.3).

They further explain

The attenuation basin is a sustainable drainage system (SuDS) which will provide an attractive environment with green features and biodiversity enhancements. The attenuation basin is to include a permanent pond and the development drainage system is to outfall to Stansted Brook, located along the site's south western boundary (*Design and Access Statement*, 8.3).

The applicants are evidently unaware that the proximity of Stansted Airport means that permanent bodies of open water cannot be permitted, owing to the possibility of attracting flocks of birds and the consequent danger to aviation of bird strikes.

Furthermore, other recent approved and pending applications in Elsenham rely on Stansted Brook for the discharge of rainwater (165 dwellings south of Stansted Road, UTT/15/2632; 130 dwellings west of Hall Road, UTT/19/0462; 5 dwellings at Elsenham sawmill, UTT/13/1983). A study is needed in order to determine the effects of the further proposed discharges from the application now under consideration.

7. Natural springs

It is noted that

The north-eastern corner of the paddock has several springs, creating flushed and boggy areas near Robin Hood Road (*Tree Survey*, 3.2).

No further mention of the springs has been noted within the application.

It is held locally that natural springs are to be found elsewhere on the site, on the eastern side generally, causing occasional flooding on Robin Hood Road, and also to the south.

Clearly a comprehensive professional study is needed as to the location of the springs, the effect of covering the area with houses and hard-standing, and whether any measures could be taken to alleviate the effects.

8. Local demand

The applicants refer to 'New homes which will contribute to addressing local demand' (*Design and Access Statement*, 4.3). But there is no evidence to show the existence of this demand and no analysis to indicate how such a demand might be met by the application.

It is clear that the applicants are not familiar with the full extent of recent housing applications granted approval in Elsenham. In their summary of 'several approvals for large scale residential developments in Elsenham in recent years' (*Planning Statement*, 3.3), they omit land north of Stansted Road, Elsenham. Outline approval was granted on this site for 155 dwellings, UTT/ 0142/12, 9 May 2013, and a further

20 dwellings, UTT15/3090, 2 November 2016, a total of 175. Construction of this development is now almost complete, and its existence would be very conspicuous to anyone travelling to the site which is the subject of the present application.

The 2011 census give the total number of dwellings in Elsenham as 980. UDC's own figures show Total Dwellings 2011-2033 (that is, new dwellings) as 650 (Regulation 19 consultation, Section 3.67, Table 5), an increase of 66%. There has been no concomitant improvement in facilities.

The applicants fail to justify the need for the development.

9. Housing mix

It is claimed that 'This indicative mix has been generated in response to a number of factors including local demand, existing house stock analysis and identified affordable housing need' (Design and Access Statement, 11.1), but supporting evidence is wholly lacking.

The applicants are clearly unaware that UDC's current policy is that at least 5% of new developments should be in the form of bungalows. Elsenham Parish Council has long argued that the proportion is insufficient for local needs.

As an indication of the inadequacy of bungalow provision in Elsenham, the following analysis of major schemes, all off Stansted Road and currently under construction, is included:

North of Stansted Road, UTT/0142/12; 155 homes; 8 bungalows, all affordable
South of Stansted Road, UTT/13/1790; 165 homes; 8 bungalows, 4 affordable, 4 private

Elsenham Nursery, UTT/14/2991; 42 homes; 2 bungalows, both affordable.
North of Leigh Drive, UTT/15/3090; 20 homes; 2 bungalows, both affordable

The totals of the four sites are 382 homes, with 20 bungalows, 4 of which are private.

Clearly the provision of bungalows is wholly inadequate for downsizing purposes. The lack of provision of private bungalows is particularly conspicuous.

10. Affordable housing

The proposal does not meet UDC's provisions concerning affordable housing. There should be fewer two-bedroom properties and more with one bedroom and three bedrooms.

UDC's standards state that affordable housing should be in clusters of no more than ten. The proposals show plots 8 to 21 inclusive as affordable, clearly making for a cluster of 14.

11. Parking

The Essex Design Guide is quoted as follows:

1 Bed Dwellings 1 space per dwelling
2+ Bed Dwellings 2 spaces per dwelling
(*Design and Access Statement, 10.3*)

The applicants are apparently unfamiliar with Uttlesford Local Residential Parking Standards February 2013, which stipulates a minimum of 3 spaces for dwellings with 4+ bedrooms, in view of the rural nature of the district. Clarification as to the applicants' intentions is needed.

Elsenham Parish Council has long taken the view that two spaces is inadequate for three-bedroom houses, and that three spaces should be the standard provision.

12. Gardens

Garden sizes are noted as follows:

100sq.m minimum garden size (50sq.m possible for 1-2 bed plots)

- Long narrow gardens avoided

(*Design and Access Statement*, 10.1)

The application does not reserve matters concerning detail. A schedule is required showing the size of garden for each plot, and demonstrating that the prescribed minima can be achieved.

13. Air quality

Elsenham Parish Council wishes to support the objections raised by Stansted Parish Council concerning traffic density and air quality at Grove Hill, Stansted Mountfitchet.

Conclusion

The representation by Gardner Planning has demonstrated that the application cannot be supported. This supplementary representation shows that the application is inadequate in several further respects. There has been no attempt at community involvement. There is a failure to address the transport issues consequent upon Elsenham's situation within the road network. Construction vehicle access is inadequate, and the vehicles themselves are liable to cause irredeemable harm to priceless heritage assets. The impact of unavoidable parking in Rush Lane has not been considered. The sustainable drainage system proposed is far from sustainable, and a study is required of the natural springs on the site. The need for the development is not shown, the housing mix does not meet local needs and the affordable housing does not meet UDC's provisions. Clarification is needed concerning parking provision and garden sizes, and serious doubts have been raised concerning air quality issues.

The application has been made with all matters reserved apart from access and layout. It has clearly been shown that there are failings with both these aspects, and the application must therefore fail.

- 8.2 (Further Parish Council comments received 4 October 2019 on changed application description and revised drawings received as follows):

Elsenham Parish Council further objections:

These objections are made following revised documents which are held on Uttlesford District Council's website and dated variously 30 July 2019 to 26 Sep 2019. The technical representations submitted on behalf of Elsenham Parish

Council by Gardner Planning (28 March 2019) and the supplementary objections made by the Parish Council (2 April 2019) still apply in their entirety.

1. Housing volume and housing mix

The original description was, 'Outline application for the erection of up to 44 dwellings with all matters reserved except for Layout and Access'. That has been amended to, 'Outline application for the erection of up to 40 dwellings with all matters reserved except for Access'. Thus the number of houses has been reduced from 44 to 40 and Layout is now a reserved matter.

Two new documents on UDC's website are now entitled Withdrawn from Application Housing Mix Plan and Withdrawn from Application Proposed Masterplan. These have been withdrawn since they were lodged on the website on 30 August.

The *Planning Layout*, Sections 5.30 to 5.31 refer to a site layout. But as far as can be determined, there is now no active master plan or housing mix plan. The situation is most unsatisfactory. The applicants must be able to show how the volume of houses can be accommodated in the space available, having regard for such matters as parking provision and garden sizes.

Furthermore, there is a need to show the housing mix proposed. This is a matter in which the Parish Council takes a keen interest. It is maintained that the recent large increase in housing in the village has left serious imbalances; there is insufficient provision of bungalows, and an excess of houses with three bedrooms and more.

Moreover, there is now an uncertainty as to the number of affordable homes which are proposed to be provided, and no indication as to how these might be distributed across the site in order to avoid undue concentration.

It is appreciated that layout is now a reserved matter. However, the Parish Council maintains that an illustrative layout must be provided. Past experience suggests that if an outline application is approved for a number of dwellings without such a drawing, there will be unwillingness at the detailed application stage to concede that a satisfactory layout at the volume approved cannot be achieved.

2. Inaccurate documents

The only indication that the number of dwellings proposed has been reduced to 40 from 44 is in the description, combined with the withdrawal of the Proposed Masterplan and the Housing Mix Plan. Several references in various documents which are not shown as withdrawn or superseded continue to refer to 44 dwellings, with 18 affordable. The following have been noted:

2.1 UDC Housing Officer Response

This is based on an application of 44 dwellings and thus is apparently now inapplicable.

2.2 Schedule of Accommodation

The document is for a total of 44 dwellings and clearly a replacement is needed.

2.3 Planning Statement

Section 1.2 states: 'The proposed development comprises up to 44 dwellings, of which up to 18 units (40%) will be affordable housing.' There are similar statements at 5.1, 5.16 and 6.1.

Section 5.24 states: 'The proposal is for 44 dwellings rather than the 40 stated in the policy. The site is able to comfortably accommodate this number as demonstrated in the proposed layout and this will result in a more effective use of the land.' There is no explanation for the revision from 44 to 40 dwellings, which will presumably, in the view of the applicants, result in a less effective use of the land.

2.4 Design and Access Statement

Sections 3, 4.3, 9, and 11.2 mention 44 dwellings with 18 affordable. Section 11.1 shows the housing mix totalling 44 dwellings. Sections 4.1 and the Summary mention 44 dwellings.

2.5 Air Quality Statement

There are references to 45 dwellings (not 44 or 40) at 1.2. and 2.2.

Figure 2.2 shows an indicative layout. Clarification is needed as to whether this layout is now withdrawn.

2.6 There might be other such instances of continued reference to 44 dwellings.

As the Parish Council continues to maintain that the volume of housing in the village is wholly excessive, any reduction is to be welcomed, even one as small as from 44 to 40 dwellings. But the application must be full and consistent.

3. Access

There is a new document on UDC's website against dated 30 July entitled Site Access and Refuse Vehicle Swept Path Analysis. It needs to be compared with Transport Assessment Appendix A (held wrongly on UDC's website as Transport Assessment Appendix B), date 25 February 2019. The drawings differ, although they are both undated and labelled at bottom right DWG-O4 Rev B, which in itself is poor practice.

The later document shows a 2.4m X 17m visibility splay, whereas the earlier document shows 2.4m X 25m. The Planning Statement, 5.34, says that the visibility splays are 2.4m X 25m, which is consistent with the earlier document.

There is nothing to state what the differences are between the two versions of the drawing, or the rationale behind the amendments. It is by no means clear that the amendments meet the objections previously raised concerning access, particularly with regard to the presence of parked cars in Robin Hood Road and Rush Lane. See also the comments in the Parish Council's supplementary objections, 3., concerning access for construction vehicles.

It is not clear what trees and hedgerows are proposed to be removed in order to gain access.

Conclusion

None of the objections previously raised on behalf of Elsenham Parish Council by

Gardner Planning (28 March 2019) and the supplementary objections made by the Parish Council (2 April 2019) have been met. In addition, there are now uncertainties concerning housing volume, housing mix and the quantity and distribution of affordable homes. The revised plan showing access does not demonstrate that viable access to the site can be achieved.

Gardener Planning on behalf of Elsenham Parish Council

- Reference has been made to the content of the Emerging Local Plan. The site is proposed for allocation for housing (although only 40 dwellings, not the proposed 44) and excluded from the Countryside Protection Zone as a consequence. However, the Adopted Local Plan remains the 'Development Plan' for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and a decision must legally be taken on its policies. Moreover, Planning Officers' Reports continue to stress that "*Emerging Local Plan policies currently have limited weight*" (policies which include the allocation of sites), as recently as March 2019.
- It is accepted that UDC cannot currently demonstrate a 5-year housing land supply so NPPF para 11 is relevant, which is the 'tilted balance' when considering planning applications.
- The 'benefit' of the development is the *delivery of 44 dwellings*. But this is in the context of an overall need for over 1,100 extra dwellings (Housing Trajectory and 5-Year Land Supply Statement) October 2018, so obviously a *very minor contribution and thus benefit*. The Trajectory also records that the 8 currently permitted Elsenham sites have a capacity of 447 dwellings at March 2011, but records up to 2017/18 only half of those (224) have been delivered. *There is therefore doubt that there is market demand for another 44, when over 200 dwellings are already able to make a contribution to supply.*
- In policy terms, it would be far better if favourable consideration were to be contemplated after adoption of the new Local Plan, not before. As it stands, *this scale of development is contrary to the spatial strategy of the ALP (Policies S3 and H3)*, which itself is a 'significant and demonstrable' harm.
- The loss of Countryside is a 'significant and demonstrable' harm and contrary to *ALP Policy S7 and NPPF para 170*, and a matter considered to be of 'significant weight' in the major Elsenham planning refusal by the Secretary of State in 2016.
- The development would be within, and contrary to, the *Countryside Protection Zone ALP Policy S8* which is a 'significant and demonstrable' harm.
- The Landscape and Visual Appraisal (LVA) submitted with the application very fairly accepts that there will be an *adverse impact on the landscape* which is a 'significant and demonstrable' harm and a further contravention of *ALP Policy S7*.
- The access is substandard, it is unsuitable for access to a development site of 44 dwellings and *fails ALP Policy GEN1*. Even if improved (for which there are no current proposals) by a new and necessary footpath on the south side of Rush Lane, *it would then be contrary to ALP Policy GEN2*.
- *The Listed Buildings*, principally the setting of those on Robin Hood Road, would not be protected by the retention of the hedge, and the claim that the area is already 'sub-urban' cannot be accurate - they currently look out onto open countryside. Thus, the setting of the Listed Buildings would be significantly and demonstrably harmed *contrary to ALP Policy ENV2*.
- We therefore ask that planning permission be refused for the above reasons,

and will request a submission to the Planning Committee if recommended for approval.

9. CONSULTATIONS

Environment Agency

- 9.1 Thank you for your consultation dated 07 March 2019. We have inspected the application as submitted and have no concerns with the proposal.

We are providing the following comments:

We note that the site location boundary extends up to and adjacent the Stanstead Brook, designated a 'Main River'. From the plans submitted, it would appear the built development is sequentially sited away from the water course, and on the basis that no works will be carried out within 8 metres of the Brook this proposal will not require an Environmental Flood Risk Activity Permit.

We trust that this advice is useful.

Network Rail

- 9.2 Thank you for notifying Network Rail of the above application.

I have reviewed the documents and foresee there may be issues in relation to the level crossing and the Station Capacity. I would like to request that the applicant provides a risk assessment for the Level Crossing in relation to the proposed development before I can make further comments.

(Revised Network Rail comments received 2 July 2019):

- 9.3 After further discussions with our internal teams I can confirm that we already have the funding for the closure and diversion of the level crossing so will not require a contribution from the developers.

The developer has also provided Network Rail with the outcome of their Risk Assessment/ Traffic Census which NR have run ALCRM on the output of the assessment.

It is likely that the 44-home development will increase the risk rating slightly but exactly by how much is partially guess work as in reality we cannot be sure of the increase in risk that these properties will have on the crossing.

This footpath crossing is one of the safest types that we have, as it already has miniature stop lights installed. We are looking at what mitigations we could put in place to try and minimise any increase in risk at this crossing and the only improvement would be to install 'ATC', which is a spoken warning to the user of another train coming.

NR would support a restriction that the development will not be occupied until the level crossing is closed under the TWAO processed, which is expected to be a couple of years or alternatively a restriction that the development will be phased such that the construction starts at the eastern side. This will minimise the attractiveness of the level crossing for most new residents.

NATS

- 9.4 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

MAG London Stansted Airport

- 9.5 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria.

The proposed development site is located 2.3km north west from the end of the 22 runway, on the southern edge of the village of Elsenham. In this location, areas of open water have the potential to attract and support hazardous birds such as Mallard, feral geese and gulls increasing the risk of birdstrike to aircraft using Stansted. For this reason, we request the following Condition:

- No development to take place until the open water is removed from the attenuation proposals. If this is not possible, it should be planted with Common Reed, or planted with a dense margin of emergent vegetation and surrounded by trees such as willow or alder to obscure the open aspect of the water.
REASON: Flight safety, Birdstrike avoidance - to reduce the attractiveness of the site to hazardous species of birds.
- No development to take place until the berry bearing proportion of the landscaping is reduced to no more than 30%.
REASON: Flight safety, Birdstrike avoidance - in order to prevent the formation of suitable foraging habitat for hazardous flocking species.
REASON: Flight safety, Birdstrike avoidance - to reduce the attractiveness of the site to hazardous species of birds.

It is important that any conditions in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Stansted Airport, or not attach conditions which Stansted Airport has advised, it shall notify Stansted Airport, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

ECC SuDS

- 9.6 Thank you for your email received on 07.03.2019 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems

- Design Guide
- The CIRIA SuDS Manual (C753)
 - BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position:

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

Long Term Storage

- More information needs to be provided on the long term storage, including calculations showing how the required long storage volume was calculated.

Calculations

- Calculations need to be submitted to show that there is sufficient storage on site for all storm events up to and including the 1 in 100 plus 40% climate change storm event.

Urban Creep

- In any storage calculations, we would also want to see 'urban creep' included in line with Document 'BS 8582:2013 Code of practice for surface water management for development sites' which states: "*To allow for future urban expansion within the development (urban creep), an increase in paved surface area of 10% should be used, unless this would produce a percentage impermeability greater than 100%, or unless specified differently by the drainage approval body or planning authority*" (page 32).

Provide Sufficient Water Treatment

- It should be demonstrated that water quality treatment is sufficient for the whole site as outlined in the CIRIA SuDS Manual C753.
- It should be demonstrated that there is sufficient treatment for all run off from the site (including roof areas) prior to outfall. This should be in line with the simple index approach outlined in chapter 26 of the CIRIA SUDs Manual C753.

We also have the following advisory comments:

- Infiltration testing will be a condition of the application in order to show whether it could be a viable option.

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

(revised SuDS comments received 5 September 2019):

- 9.7 Thank you for your email received on 05.09.2019 which provides this Council with the opportunity to assess and advice on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position:

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

ECC Place Services (Ecology)

9.8 Thank you for consulting Place Services on the above application.

Holding objection due to insufficient ecological information

I have reviewed the Preliminary Ecological Appraisal Report (Cotswold Wildlife Surveys, Nov 20 18) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, particularly Slow worm and identification of proportionate mitigation.

I am not satisfied that there is sufficient ecological information available for determination of this application and recommend that the mitigation & enhancement measures that are required to make this proposal acceptable is provided prior to determination.

The Government's Standing advice for local planning authorities who need to assess the impacts of development on reptiles can be found here:

<https://www.gov.uk/guidance/reptiles-protection-surveys-and-licences>

It says that if you need to move reptiles to a new location you'll have to choose a receptor site. At present, the proposed receptor site is an area of the development site. At present it has not been shown how the mitigation meets the standing advice for the following:

- that is at least the same size as the habitat that will be lost, and larger if the habitat to be lost is high quality (a smaller habitat can be provided if it's substantially better quality)
- that will serve the same function as the habitat to be lost, e.g.; it has hibernation features with similar habitat to the area that will be lost, including water bodies
- that will be safe from future development and managed in the long term

- how new habitats will be established to become suitable for the reptiles prior to capture and translocation.

This could be presented in a Reptile Mitigation Plan.

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

I look forward to receiving the additional information required to support a lawful decision and to overcome my holding objection.

(revised Place Services Ecology comments received 20 September 2019):

- 9.9 Thank you for re-consulting Place Services on the above application.

No objection subject to securing biodiversity mitigation and enhancement measures

Summary

We have reviewed the Preliminary Ecological Appraisal (Cotswold Wildlife Surveys, September 2019) relating to the likely impacts of development on designated sites, protected species and priority species / habitats.

We are 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/habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Preliminary Ecological Appraisal (Cotswold Wildlife Surveys, September 2019) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species. However, we note that a population of slow worms have been identified on site. Detailed mitigation measures to protect these from the development should be included in a Reptile Mitigation Strategy which should be secured as a condition of any consent. This should include detailed information pertaining to the security of the receptor site from development and long-term management strategies.

We note the current proposed receptor site contains an attenuation pond, but the reptiles should not be translocated to an area with construction to be undertaken. As the proposed receptor site is smaller than the area of habitat to be lost to the development, enhancements must be provided to make the receptor site of higher quality habitat than that at present to make the receptor site acceptable.

Additionally, no biodiversity enhancement measures are identified in the ecological report submitted. We recommend that, to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019, reasonable biodiversity enhancement measures will need to be provided. A Biodiversity Enhancement Strategy for Protected and Priority Species should be secured as a condition of any consent. It is recommended that this could include provision of bird and bat boxes, reptile hibernacula and wildlife friendly fencing.

This will enable LPA to demonstrate its compliance with its statutory duties including

its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details should be a condition of any planning consent.

ECC Highways

9.10 Note:

This application was accompanied by a Transport Statement which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application was undertaken with reference to the National Planning Policy Framework 2019 and in particular paragraphs 108 - 109, the following was considered: access and safety; capacity; the opportunities for sustainable transport and mitigation measures.

Changes to the access and the existing highway layout were sought by the highway authority to provide an improvement on the original proposal, including widening Rush lane to the east of the access, providing a short length of footway and a pedestrian crossing point. The revised arrangement has been subject to a safety audit.

The impact on Grove Hill junction has been assessed and is shown to be minimal (14 vehicles in the a.m. peak hour). This is not considered to be a severe impact especially in light of the upgrading to the signalised junction at Grove Hill that has been recently implemented. In addition a proportionate contribution is recommended to improve the frequency of the local bus service, this will not fund a bus service on its own but can be pooled with other contributions that may come forward or used to enhance local sustainable transport infrastructure.

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

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.

ECC Education

9.11 From the information I have received, I have assessed the application on the basis of 44 houses. Assuming that all of the units are homes with two or more bedrooms, ad development of this size can be expected to generate the need for up to 3.96 early Years and Childcare (EY&C) places; 13.20 primary school, and 8.80 secondary school places.

Please note that any developer contribution figure referred to in this letter are calculations only, and that final payments will be based on the actual dwelling unit

mix and the inclusion of indexation.

Early Years and Childcare:

The proposed development is located within the Elsenham and Henham ward. According to Essex County Council's childcare sufficiency data, published in July 2018, there are a total of 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. The data shows insufficient places to meet the demand from this proposal.

Based on the demand generated by this proposal as set out above, a developer contribution of £68,991, index linked to April 2018, is sought to mitigate its impact on local EY&C provision.

Primary Education:

This development sits within the priority admissions area of Elsenham CE primary School. Taken in isolation, the School would have space to accommodate the expected pupils from 44 houses. I am cognisant, however, of the proposals for 130 homes West of Hall Road (UTT/19/0462/FUL) and 350 homes North West of Henham Road (UTT/17/3573/OP). Hall Road forms part of Uttlesford's emerging Local Plan and, thereby steps have been taken to ensure sufficient capacity is available for that development. As you will see from ECC's response to the Henham Road application, schools further afield may have to be expanded if that development is permitted. It is, thereby, clear that if these developments are permitted, additional primary school capacity will be needed to serve further housing growth such as the homes proposed in Rush Lane.

So, based on the demand generated by this proposal as set out above, a developer contribution of £201,709, index linked to April 2018, is sought to mitigate its impact on local primary school provision.

Secondary Education:

With regards to secondary education, the Priority Admissions Area school for the development would be the Forest Hall School which has a published admission number of 112. The school has just six unfilled places in Year 7 (the first secondary year) with a slightly larger cohort expected next September. Forecasts set out in the 10 Year Plan suggest that from 2020/21 additional places will be required to meet local demand.

Based on the demand generated by this proposal set out above, a developer contribution of £204,283, index linked to April 2018, is sought to mitigate its impact on local secondary school provision.

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 direct walking and cycling routes to local schools are available.

In view of the above, I request on behalf of Essex County Council that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on childcare primary education and secondary education. Our

standard formula s106 agreement clauses that ensure the contribution would be fairly and reasonably related in scale and kind to this development are available from Essex Legal Services.

If your council were minded to turn down the application, I would be grateful if the lack of surplus childcare, primary education and secondary education provision in the area to accommodate the proposed new homes can be noted as an additional reason for refusal, and that we are automatically consulted on any appeal or further application relating to the site.

Thames water

- 9.12 Waste comments:

Foul Water sewage network infrastructure capacity – no objections.

Surface water drainage – no objection providing the developer follows the sequential approach to the disposal of surface water. Prior approval from Thames Water Developer Services will be required where the developer proposes to discharge to a public sewer.

Water comments: With regard to water supply, this comes within the area covered by the Affinity Water Company.

Essex Police

- 9.13 UDC Local Plan Policy GEN2 - Design (d) states "It helps reduce the potential for crime".

Whilst there are no apparent concerns with the layout, however, to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award.

From experience, pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application.

UDC Environmental Health Officer

- 9.14 Air Quality:

This a large-scale development for up to 44 dwellings. An air quality assessment has quite rightly been undertaken and submitted as part of the application. The assessment has considered impacts in terms of construction operations and operational aspects of the development once completed and occupied. It has made a number of recommendations to address risks associated with construction site dust, and it is expected that these will form part of the CEMP (see above) for the site.

With regards to operational aspects of the development once occupied, it has not

identified that any mitigation measures are necessary to off-set the introduction of new receptors and more importantly increased traffic movements as a result of the development. However, the assessment has failed to consider cumulative impacts on local air quality if the development were to proceed, in conjunction with other large-scale developments that are currently under consideration in the vicinity of the site. In particular, the following developments are currently within 1km of the site and in combination are likely to have a cumulative impact on air quality in that area:

UTT/13/1790/OP

Land South Of
Stansted Road
Elsenham

Outline application for the erection of up to 165 dwellings

UTT/13/0177/OP

Land West Of
Hall Road

Outline application for the erection of up to 116 dwellings

UTT/14/2991/OP

Elsenham Nurseries
Stansted Road
Elsenham

Outline application for the erection of up to 40 dwellings

UTT/14/3279/DFO

Land North Of Stansted Road
Elsenham

Reserved Matters application for the erection of up to 155 dwellings

The cumulative impacts on local air quality of these developments should be assessed in accordance with current best practice guidance. Furthermore, with all these developments it is important to consider the sustainability of the development for the future, promoting more sustainable forms of transport and travel, and encouraging less reliance on traditional forms of transport i.e. petrol/diesel motor vehicles, that are likely to have local air quality impacts. No consideration of the environmental costs of the development in terms of Air quality has been undertaken, and no measures put forward to promote more sustainable transport in the future e.g., electric vehicle charging points, as would be expected for a development of this scale.

An appropriate strategy incorporating proportionate and achievable mitigation measures to ensure that the development is sustainable in the long-term and able to make a positive contribution to protecting and enhancing air quality in that area for the future is therefore seen as essential.

UDC Housing Officer

- 9.15 The delivery of affordable housing is one of the Council's corporate priorities and will be negotiated on all sites for housing. The Council's policy requires 40% on all schemes over 0.5 ha or 15 or more units. The affordable housing provision on this site will attract the 40% policy requirement as the site is for 44 (net) units. This amounts to 18 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered providers. It is also the Council's [policy to require 5% of the whole scheme to be delivered as fully

wheelchair accessible (building regulations, Part M Category 3 homes) as well as 5% of all units to be bungalows delivered as 1 and 2 bedroomed units. This would amount to 2 bungalows across the whole site delivered as 1 affordable units and 1 for open market.

The mix and tenure split of the properties are given below; this mix should be indistinguishable from the market housing, in clusters of no more than 10 with good integration within the scheme and be predominately houses with parking spaces. Homes should meet the following standards; 1 bed property to house 2 people, 2 bed properties to house 4 persons, 3 bed properties to house 5 persons and 4 bed properties to house 6 persons.

SMHAA 2015 Figures:

Land South of Rush Lane, Elsenham (UTT/19/0437/OP)

No. of bedrooms	1 bed	2 bed	3 bed	4 bed	Totals
Affordable Rent	2	8	4		14
Shared Ownership		2	2		4
GRAND TOTAL	2	10	6	0	18

10. REPRESENTATIONS

10.1 91 representations received (90 Object, 1 neutral). Neighbour notification period expired 9 October 2019. Advertisement expires 4 April 2019. Site Notice expires 16 April 2019.

- Principle of development. Elsenham has now had its fair share of housing growth and can't take anymore.
- Previous planning inspector for the Council's emerging local plan stated that Elsenham isn't a sustainable settlement
- No infrastructure to support any further housing in Elsenham. Doctor's surgery is already under strain as is the only convenience store
- Serious traffic congestion being experienced at Grove Hill. Proposed housing at Rush Lane will exacerbate the problem.
- Narrow approach roads to the site
- Site is low lying and liable to flooding. Local springs on the site. Surface water impacts on Stansted brook.
- Poor local road transport generally around Elsenham
- Proposal would add to air quality issues along Grove Hill/Stansted
- Not sufficient spaces at the local primary school. Child drop-off and pick-up congestion along High Street
- Housing demand by local people is not required
- More bungalows should be provided
- Rush Lane has restricted footpath width. Lack of off-street parking means that residents park their cars in the road.
- Construction traffic would conflict with any emergency vehicles trying to use the road
- Proposal would lead to refuse collection difficulties
- Area of considerable pedestrian activity. Children play in the street
- More loss of open space in the village. Not much left.
- Countryside harm within the Countryside Protection Zone.
- Loss of flora and fauna. Bats on site
- Existing footpath across the site would be temporarily disrupted

- The new Elsenham Vale route would become overused, which is privately maintained
- Proposal would lead to further loss of water pressure
- Concern over railway safety
- Shown attenuation basis could lead to bird strike

11. APPRAISAL

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

- A Principle of development – sustainability / infrastructure / Countryside Protection Zone protection / loss of agricultural land / flood protection / Noise impact / air quality / Council's latest 5 year housing supply position (NPPF, ULP Policies H1, S7, S8, GEN3, GEN6, E4, ENV5, ENV10, ENV13)
 - B Whether means of access would be acceptable (ULP Policy GEN1)
 - C Design (ULP Policies GEN2, GEN8)
 - D Housing mix / Affordable housing (ULP Policies H9, H10)
 - E Heritage protection (ULP Policies ENV1, ENV4)
 - F Impact on protected species (ULP Policy GEN7)
 - G Contaminated Land (ULP Policy ENV14)
-
- A **Principle of development – sustainability / infrastructure / Countryside Protection Zone protection / loss of agricultural land / flood protection / Noise impact / air quality / Council's latest 5 year housing supply position (NPPF, ULP Policies H1, S7, S8, GEN3, GEN6, E4, ENV5, ENV10, ENV13)**

Sustainability principles (Location / Infrastructure)

- 11.1 The NPPF has a presumption in favour of sustainable development. Paragraph 8 of the NPPF states that achieving sustainable development “means that the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives”, namely economic, social and environmental”. Paragraph 11 states that where there are no relevant development plan policies, or the policies which are most important for determining planning applications are out of date that planning permission should be granted unless 11 D) (ii) “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole”.
- 11.2 The site lies just outside development limits for Elsenham on the south side of the village whereby the development limits boundary for the village runs along Rush Lane to the immediate north, which comprises a quiet cul-de-sac off Robin Hood Lane, itself a quite road which terminates at the railway crossing to the immediate south. A parade of local shops lies along the high street to the north of the site within immediate walking distance, whilst Elsenham Primary School and the village surgery also lie within walking distance. The Leigh Drive bus stop is located within 800m north of the site along Stansted Road.
- 11.3 Given this level of accessibility, the site can be described as being within a sustainable location relative to local village services as indeed reflected within the Council's decision to allocate the site as a housing allocation site within its emerging Local Plan where this call for sites exercise has identified that “*development of the site is considered suitable because it would contribute to a sustainable pattern of development*”. It is accepted that the proposal would place an additional burden on

local services, such as the local primary school and the local GP surgery, although it is understood that some of the pressure on the surgery has been lifted to an extent by the opening of the new medical centre at Stansted, whilst the proposal would generate a commuted sum payable through a S106 agreement to help offset the impact of the proposal on early years and childcare, primary and secondary education provision. The specific issue of traffic impact at Grove Hill is addressed further in this report below.

Countryside protection

- 11.4 The site lies within the Countryside Protection Zone (CPZ) for the purposes of the Council's adopted Local Plan (2005). ULP Policy S8 states that planning permission will only be granted for development within the zone that is required to be there or is appropriate to a rural area, adding that there will be strict control on new development. The policy adds that development will not be permitted if a) new buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside and b) it would adversely affect the open characteristics of the zone. The Council has previously robustly defended proposals for new housing developments within the zone where it has considered that resulting harm would occur to the open characteristics of the zone or that airport coalescence would occur contrary to the aims of ULP Policy S8.
- 11.5 An independent Council review of the Countryside Protection Zone (CPZ) was carried out in 2016 ("Uttlesford Countryside Protection Zone Study", LUC) whereby the overall aim of the review was to assess the extent to which land within the CPZ is meeting its purposes as set out in ULP Policy S8 which would enable the Council to make informed decisions about its continuing validity through the emerging Local Plan process.
- 11.6 The review assessed the suitability of those land "parcels" which make up the CPZ area by appraising their land characteristics in terms of their contribution to the CPZ and extent to which their contribution may have eroded over the passage of time due to varying factors, including new development which may have taken place to negatively impact on their openness and where there may be a desire to either retain or exclude a land parcel from the CPZ. The proposal site the subject of the current application (Rush Lane) falls within Parcel 10 for the purposes of the CPZ review.
- 11.7 The review concluded at paragraph 5.4 of the report relating to the impacts of proposed development within the CPZ with particular reference to Parcel 10 that;

"Two parcels (Parcel 1 and 10) were judged to have a moderate level of harm due to their 'low' rating against purpose 4 (restricting coalescence) because of the dispersed nature of the settlements in those parcels or their relative distance from the airport".

The study went onto say at paragraph 5.5 that;

"We would not recommend the removal, in totality, of any parcels from the CPZ. As described in Appendix 1, however, there are some opportunities to revise the boundaries of the CPZ in order to strengthen it in relation to features on the ground. These include rationalising the boundary of Parcel 1 to exclude the eastern extents of Junction 8 of the M11) and moving the northern boundary of Parcel 10 to the railway line (which itself could prevent coalescence between the airport and Elsenham to the north)".

- 11.8 The report in its conclusions stated in its recommendations in respect of Parcel 10 that;

"Consider moving the northern boundary of the parcel to the line of the railway line, which itself could prevent the outward spread of development from the airport and the coalescence between the airport and Elsenham to the north".

- 11.9 The site has come forward as part of the Council's "call for sites" process for its emerging Local Plan in order to identify those sites within the district, including Elsenham which may be considered suitable for future housing development. The 2018 SLAA land use assessment carried out by the Council for the Rush Lane site (08Els15) following the Council's 2015 original assessment and pursuant to the findings of the Council's independent review of the CPZ with particular reference to Parcel 10 of the CPZ states the following;

"This is a greenfield site within the Countryside Protection Zone on the southern edge of the village. The site was recommended for removal in the 2016 Countryside Protection Zone Review and has been removed from the Countryside Protection Zone. Elsenham is a key village with a range of services and facilities. Development of the site is considered suitable because it would contribute to a sustainable pattern of development. The site was allocated in the regulation 18 Local Plan".

- 11.10 The site's recommended removal from the CPZ through this SLAA process following the 2016 independent CPZ review has resulted in the site being shown as excluded from the CPZ on the proposed Elsenham Inset Map for the Council's emerging local plan whereby the site is shown to be now included within development limits for Elsenham as a housing allocation site (ELSE 1).

- 11.11 Policy ELS1 as it appears in the Council's emerging Local Plan is as follows:

Policy ELS 1
Land south of Rush Lane

Quantum of Development: 40 No. dwellings

Site Area: 2.3 hectares

Land south of Rush Lane, Elsenham as shown on the Policies Map, is allocated for the development of approximately 40 dwellings. Detailed proposals that comply with other relevant policies and meet the following site specific development requirement will be permitted:

1. The development provides 40 residential dwellings and recreational open space;
The informal recreation open space be located on the southern half of the site and link with the open space being provided with the housing development south of Stansted Road;
2. The development is designed to mitigate adverse effects upon existing residential and community interests and may be required, by legal obligation, to provide or contribute towards wider and longer term planning benefits reasonably associated with the alleviation of any such impact;
3. A Transport Assessment may be required to support a planning application and appropriate access arrangements to be agreed and to the satisfaction of the highway authority;
4. A Landscape and Visual Impact Assessment will be required and should inform the design and layout of the site proposals; and

5. Appropriate ecological survey will be required.

Site description: This is a greenfield site in the south-western part of Elsenham. Site is bounded by residential development on the western, southern and northern boundaries and a timber yard on the eastern boundary.

Constraints: No known constraints on site

Did the site have planning permission at 1st April 2017: No

- 11.12 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the current application for the proposed housing scheme for Rush Lane. The LVIA concludes that despite the inevitable adverse effects of built development upon the local landscape character and on a limited number of visual receptors immediately adjacent to the proposal site that it is considered that there would be no unacceptable adverse effects that should preclude the proposed development in landscape and visual terms.
- 11.13 The site does still hold some visual amenity value as an undeveloped area of land rising on the north side of Stansted Brook. However, the London to Cambridge railway line forms a hard, defendable barrier along its southern boundary and the development of it for housing purposes as proposed would because of this have a less than significant impact on the particular local character of the area for the purposes of ULP Policy S7 where this has been previously assessed to be the case through the CPZ review for the purposes of ULP Policy S8 as referenced above.

Loss of agricultural land

- 11.14 The site currently forms a sloping and irregular shaped parcel of grassland currently out of agricultural use. The site is landlocked from any wider agricultural production and its potential use for any practical future agricultural activity is considered extremely unlikely for these reasons and no objections are raised to its development for housing purposes under ULP Policies E4 and ENV5.

Flood Protection

- 11.15 The site falls within Flood Zone 1, which represents the lowest risk of flooding, albeit that the site lies adjacent to Stansted Brook below (Main River) whereby any flood overflow of the brook at the bottom end of the site would be within Flood Zone 2 (medium risk of flooding). The proposed housing area for Rush Lane as indicatively shown on the submitted site parameters plan would be on the northern upper section of the site away from Stansted Brook.
- 11.16 A Flood Risk Assessment accompanying the application confirms that the housing proposal would not be at risk of fluvial flooding from Stansted Brook. A SuDS attenuation basis is shown for the south-west (lowest) end of the site which would collect and appropriately dispose of surface water run-off from the development which would form part of a SuDS drainage strategy scheme for the proposed housing scheme. ECC SuDS have examined the surface water drainage strategy submitted and have not objected to the strategy on SuDS grounds on the basis of further technical details being submitted for consideration following an initial SuDS objection subject to the imposition of SuDS conditions to make the proposal acceptable. No objections are therefore raised under ULP Policy GEN3.

Noise

- 11.17 The proposed development at Rush Lane would be affected to some extent by

background noise generated by the adjacent railway line to the south of the site, albeit that the dwelling units for the indicated scheme would be positioned at the northern end of the site, and to a lesser extent by noise from the M11. A noise and vibration assessment (Resound Acoustics, Jan 2019) has been submitted with the application which sets out the extent to which future occupants of the dwellings would be affected by these two noise generators. The report concludes that the noise levels at the site are above the LOAEL, but below the level at which an unacceptable adverse effect would occur, so that the inclusion of mitigation measures should meet the requirements of the NPPF, NPSE and the Noise PPG.

- 11.18 UDC Environmental Health have stated that whilst the report is based upon limited noise monitoring data, the type of noise sources which affect the local acoustic landscape are not considered likely to lead to significant variations in the reported noise levels at the site. They advise that the submitted report is otherwise considered robust in its assessment parameters, analysis and conclusions, including a number of recommended noise mitigation measures in accordance with best practice principles. Given this, no noise objections have been raised by Environmental Health subject to appropriate noise conditions to reflect the findings of the report (ULP Policy ENV10).

Air Quality

- 11.19 The site is not within an Air Quality Management Area, although the issue of air quality is required to be considered in the wider local context given levels of poor air quality which are currently being experienced along the lower reaches of Grove Hill and parts of Stansted where the granting of permission for further housing developments within Elsenham are likely to compound these reduced air quality levels for these areas in terms of cumulative effects.
- 11.20 The air quality impact report accompanying the application (Kairus Ltd, January 2019) has assessed the impacts of the proposed development on air quality using baseline criteria and also UDC's *Review and Assessment of Air Quality* for the area where it states that a baseline assessment of local air quality has concluded that concentrations of NO₂ and PM10 are meeting the relevant air quality objective limits at the site and that the impact of the scheme in terms of new exposure would be negligible. The report concludes that "*It is inevitable that with any development, construction activities would cause some disturbance to those nearby and the assessment has predicted a minor to major adverse impact prior to the implementation of any on-site mitigation. However, following the implementation of appropriate mitigation measures, which would be set out within a CMP, impacts associated with the construction of the development are likely to be insignificant*".
- 11.21 UDC Environmental Health have commented that the report has considered the immediate localised impacts of the proposed development, but has failed to consider cumulative impacts on air quality if the development were to proceed in conjunction with other large scale developments that are currently under construction within the vicinity of the site, or proposed, which are likely by themselves to have a cumulative impact on air quality in that area, noting that "Furthermore, with all these developments, it is important to consider the sustainability of the development for the future, promoting more sustainable forms of transport and travel, and encouraging less reliance on traditional forms of transport, i.e. petrol/diesel motor vehicles, that are likely to have local air quality impacts. No consideration of the environmental costs of the development in terms of air quality has been undertaken, and no measures put forward to promote more sustainable

transport in the future, e.g. electric charging points, as would be expected for a development of this scale".

Accordingly, UDC Environmental Health have imposed an air quality condition requiring a scheme for protecting and enhancing the air quality of future occupiers of the proposed development to be submitted for approval so that the proposal scheme can be mitigated. However, this is a type of recommended condition which officers would not normally impose for enforceability reasons where other legislation exists to enforce the requirements of the condition (namely Environmental Health) and it is for Members to decide therefore whether such a condition should be imposed in these circumstances for this proposal (ULP Policy ENV13).

- 11.22 It should be emphasised that ECC Highways as part of their highways assessment for this scheme have considered the wider traffic impacts on Grove Hill and their associated impacts on air quality, who have stated that the traffic impacts arising from the submitted scheme would be minimal and therefore not amounting to severe, especially in light of the upgrading to the signalised junction at Grove Hill that has been recently implemented. In addition, a proportionate highways contribution is recommended to improve the frequency of the local bus service No.7 whereby this would not fund a bus service on its own, but could be pooled with other contributions that may come forward or used to enhance local sustainable transport infrastructure, which would contribute to enhanced public transport provision for the area. Also, it is recommended that electric charging points could be subject to a planning condition at reserved matters stage for the Rush Lane proposal as an additional sustainability measure. It is considered from these recommended measures that no objections can be reasonably made under ULP Policy ENV13.
- 11.23 For the reasons as set in this section of the report, the principle of housing development as proposed at this UDC housing allocation site for its emerging Local Plan is considered acceptable where there would be a presumption in favour of sustainable development in accordance with the provisions of the NPPF.

Uttlesford District Council's latest 5-year housing supply position

- 11.24 The Council has very recently published its 2019 Housing delivery Test and 5-Year Land Supply Statement (October 2019) whereby the purpose of the statement is to set out the Council's 5-year housing supply and an indicative trajectory of housing delivery during the plan period for the purposes of decision-taking. This latest housing trajectory and 5-year housing land supply (5YHLS) statement for Uttlesford District Council as of 1 April 2019 indicates that the Council's 5YHLS is 2.68 years, which is down from 3.29 years as calculated for 2018. This further 5YHLS deficit figure compares with the Council's 5YHLS figure for the new draft Local Plan of 5.65 years. This indicated reduced 5YHLS figure for 2019 down from 2018 is a material consideration for the current application proposal whereby Paragraph 11 of the NPPF is engaged because of the Council's out of date local housing policies and where significant weight needs to be given to the benefits of new housing, including affordable housing, in the tilted planning balance.

B Whether means of access would be acceptable (ULP Policy GEN1)

- 11.25 Vehicular access to the site for the proposed housing scheme would be via Rush Lane. Rush Lane is an unclassified adopted highway, although the north side of the carriageway is used on a daily basis by residents for on-street parking whereby no local parking restrictions exist along the lane, albeit that the houses along Rush Lane benefit from frontage off-street communal parking arrangements.

- 11.26 A transport statement accompanies the application, to include a Stage 1 Audit, which has assessed the suitability of the indicated means of access into the site and also the anticipated traffic impacts of the proposed development on the wider local highway infrastructure. Swept path analysis drawings have been submitted to show how vehicles, including refuse vehicles, would be able to access and egress the proposal site safely to and from Rush Lane.
- 11.27 ECC Highways have not objected to the proposal on highway grounds subject to a 5.5m wide carriageway being maintained along Rush Lane for the width of the proposed bellmouth junction/site visibility splays for the proposed internal service road into the development site from Rush Lane, the provision of a short length of footway and a pedestrian crossing point to enable Rush Lane to still perform its highway function (see ECC Consultation response in this report) where, without the introduction of these highway mitigation measures the proposal would not be viable on the grounds of proper highway design as it would result in localised traffic/parking conflict along Rush Lane. No highway objections are raised to the proposal under ULP Policy GEN1 on the basis of the ECC Highways recommendation and highway conditions recommended (Means of access).
- 11.28 ECC Highways have examined the wider impacts of the proposed development in relation to local public transport provision within the Elsenham and Stansted area with particular reference to increased traffic use along Grove Hill though the traffic signalled “pinch-point” following recently built-out housing developments within Elsenham along Stansted Road, such as Leigh Drive and Elsenham Vale, which have subsequently placed a greater strain on this existing pinch-point, and the additional highway impacts that the development would have on this pinch-point.
- 11.29 ECC Highways have because of this recommended in their consultation response that the applicant pays by way of highways mitigation a proportionate commuted highways contribution sum of £118,000 which would assist the funding of an enhanced existing No.7 bus service between Stansted and Elsenham and Stansted Airport to encourage residents of the villages to use this enhanced bus service through improved sustainable transport provision for the area with the intention of relieving some of the existing pressure on the Grove Hill pinch-point in terms of traffic queuing and also seeking to bring about a resulting improvement in air quality for Grove Hill (see previous discussion on air quality).
- 11.30 The applicant’s agent has since confirmed to the Council that the applicant is in agreement to this recommended highways payment contribution to the No.7 bus service in principle, although has queried the exact amount of financial contribution liability payable given that the number of housing units now proposed for the site has since decreased from “up to 44 dwellings” as originally proposed for the application to “up to 40 dwellings” as now proposed by varied application description. This commuted sum would form part of a S106 agreement for the current proposal. It should be noted that such proportionate financial contributions for an enhanced No.7 bus service have also been recommended by ECC Highways for the proposed housing developments which form those planning applications currently before the Council for consideration for Land West of Henham Road and Hall Road.
- 11.31 In light of the above, no highway objections are raised to this housing scheme at Rush Lane in relation to the wider considerations of Access under ULP Policy GEN1.

C Design / impact on residential amenity (ULP Policies GEN2, GEN8)

- 11.32 Scale, Layout, Appearance and Landscaping are reserved matters which do not fall to be considered for this outline application following the decision by the applicant during the course of the current application to remove Layout from the application (leaving just Access). It should be noted that the application change in description for this proposal now for “up to 40 dwellings” as altered from its original description of “up to 44 dwellings” is a decision by the applicant to reflect the dwelling capacity number for the site originally stated in the Council’s 2015 SHLAA call for sites assessment and is below the capacity threshold based upon the standard SHLAA methodology which calculated a housing capacity of between 47-49 dwellings for the site (see paragraph 11.11 above).
- 11.33 Based upon the indicative housing layout plan which has now been withdrawn for the current application, it is considered by your officers that up to 44 dwellings is a quantum of housing which is too high for this site when taking into account adopted parking standards, recommended residential amenity standards and appropriate design of affordable housing parking courts. However, your Officers have advised the applicant that a dwelling quantum of up to 40 dwellings for the site would likely to be acceptable where this quantum would provide for a more appropriate housing layout to be able to comply with these standards. This advice has resulted in the revised application description for up to 40 units following discussions with the applicant. It should be noted that the indicative site layout parameters plan now submitted for the proposal shows that the existing public footpath which runs through the site from east to west would be preserved, which is to be conditioned, whilst it is likely that any detailed layout would show additional linking pedestrian connectivity to Rush Lane to improve the overall permeability of the housing scheme (ULP Policies GEN1, GEN2 and GEN8).

D Housing Mix / Affordable Housing (ULP Policies H9 and H10)

- 11.34 The proposed development would be likely to have a mixture of 2, 3 and 4 bedoomed dwellings of varying house types and size, although the precise nature of the market housing mix is now to be reserved to reserved matters stage when Layout would be considered alongside the housing mix, although the Council would expect any reserved matters submission to reflect the latest housing needs survey available to the Council relating to district/local need (ULP Policy H10). In this respect, the request by the Parish Council to have more bungalows within new developments for the village to reflect changing local needs is noted and it could be that any reserved matters application for this housing proposal could reflect this need through subsequent discussions with the applicant.
- 11.35 The development by reason of the number of dwellings proposed would trigger the need to provide 40% affordable housing provision for the site as required by ULP Policy H10 whereby this would be in the form of on-site provision. The applicant has stated that it is committed to providing affordable housing at the site at this policy percentage figure. The Council’s Housing Enabling Officer has set out the affordable housing requirements for the proposed scheme based upon a housing figure of up to 44 dwellings as originally submitted (see table at paragraph 9.15 above). It is appreciated that these requirements would need to be adjusted for any S106 agreement for the lesser housing scheme now proposed for up to 40 dwellings, although the Council’s Legal Officer has confirmed that this adjustment can be considered/negotiated as part of the S106 process (ULP Policy H9).

E Heritage protection (ULP Policies ENV1, ENV4)

11.36 Robin Hood Road contains some Grade II listed buildings within the existing building line, including The Robin Hood PH. It is considered that the wider setting of these listed buildings are unlikely to be significantly affected by the development proposal for Rush Lane given their relative proximity to the site and by the fact that modern linear housing development already exists along Robin Hood Road and in Rush Lane which has diminished their wider setting over time. No heritage objections can therefore be reasonably raised to the application proposal at this outline stage under ULP Policy ENV2 where an assessment of the impacts of the proposal on any heritage assets cannot be known at this stage and where a fuller assessment would be made at reserved matters stage. ECC Archaeology have advised that the site may be likely to contain archaeological deposits given the richness of multi-period deposits found through previous excavation on areas either side of the proposal site and their standard archaeological conditions have therefore been imposed (ULP Policy ENV4)..

F Impact on protected species (ULP Policy GEN7)

- 11.37 The site is currently set to grass and scrubland and is enclosed by vegetated boundaries. The submitted Preliminary Ecological Appraisal (PEA) (as revised September 2019) has identified the extent to which the site may contain natural habitats for protected or priority species and in this respect has identified that a population of slow worms exist on the site. ECC Place Services in their consultation response have considered the PEA and its conclusions and recommendations and have stated that they have no objections to the proposal subject to detailed mitigation measures being secured in the form of a Reptile Mitigation Strategy (slow worms) as a condition of any permission granted to protect this protected species, which should include detailed information relating to the provision and security of a receptor site for reptiles from the proposed development and long-term management strategies.
- 11.38 The proposed siting of the slow worm receptor site would form part of the green infrastructure strip as indicated on the submitted site parameters plan which also shows an attenuation pond siting for the housing development. ECC Place Services have advised that the slow worms should not be translocated to an area of the site where house construction would be undertaken. ECC Place Services have noted that the area of the proposed receptor site would be smaller than the area of slow worm habitat lost by the development and it would therefore be necessary for enhancements to be provided to make the receptor site of higher ground quality than at present on the site to make the receptor site acceptable, which can also be conditioned. ECC Place Services have also stated that biodiversity enhancements resulting from the proposed development in the form of a Biodiversity Enhancement Strategy for Protected and priority Species should also be secured to secure measurable net gains for biodiversity, which again can be conditioned. Subject to these conditions being imposed, no ecology objections are raised under ULP Policy GEN7.
- 11.39 Members should note that a SAMMS recreational disturbance mitigation strategy has been designated for Hatfield Forest whereby financial contributions would be paid under this strategy by developers towards SAMMMS for Hatfield Forest. This strategy is based on a draft document setting out a 14.1km Zone of Influence around Hatfield Forest. The relevant authorities involved in the potential implementation of this strategy are currently working with the National Trust and Natural England to agree the basis of the full consultation document. This is not a strategy adopted by Uttlesford District Council at the present time. Therefore,

notwithstanding the fact that the applicant has stated a desire to pay appropriate financial contributions, this does not meet the CIL Regulation tests at the present time and is not appropriate to collect in this instance.

Contamination (ULP Policy ENV14)

- 11.40 The site is a greenfield site which is currently vacant and unused. However, the presence of the railway line running along the southern boundary of the site and the former sawmill beyond this, which has recently been developed for residential use, are both considered to be historic uses and potential sources of contamination whereby elevated levels of ground gas was found at the sawmill during the contamination remediation scheme carried out for the approved new housing on that site.
- 11.41 UDC Environmental Health have advised that ground gas has the potential to migrate off-site subject to geological conditions and other relevant factors and that it would therefore be necessary in the context of the current residential application proposal for Rush Lane to ensure that no residential contamination risks associated with this or other land uses impact on the site. As such, contamination and remediation conditions are recommended on any grant of permission granted. No objections are raised under ULP Policy ENV14 on this condition basis.

12. CONCLUSION

- 12.1 The site is included as a housing allocation site for approximately 40 dwellings in the Council's emerging Local Plan (Else 1) following a call for sites exercise and the recommendations made in the Council's 2016 external Countryside Protection Zone (CPZ) review to remove the site from the CPZ. The proposal would by reason of its favourable location represent a presumption in favour of sustainable development as the benefits accruing from the proposal by providing additional housing, including affordable housing, close to local services would outweigh the adverse effects in the tilted planning balance where some of these adverse effects identified, such as impact on slow worms, can be mitigated by appropriate conditions. The principle of housing at this greenfield site for up to 40 dwellings is therefore considered acceptable where additionally the Council's 5 year housing supply deficit now stands at 2.68 years for 2019 down from 3.29 years for 2018 according to the Council's latest housing trajectory figures published in October 2019.
- 12.2 Means of vehicular access for this outline housing scheme is considered acceptable subject to recommended highway conditions, whilst the impacts of the proposed development on the local transport infrastructure can be mitigated by a recommended commuted sum to be payable by the applicant as a proportionate developer financial contribution to provide for an enhanced local bus service for the area.

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

- A The principle of residential development is considered acceptable
- B Means of access to the site is considered acceptable
- C The number of dwellings proposed for the development, namely up to 40 dwellings as reflected in the application's changed description is considered acceptable for the site whereby Layout, Scale, Appearance and Landscaping are all to be considered as subsequent reserved matters.

- D The applicant has confirmed its commitment to providing 40% affordable housing for this site where this is required whereby the precise details of affordable housing tenure would be agreed through a S106 agreement.
- E The proposal is unlikely to have a significant impact on the setting of nearby listed buildings, although a full assessment on local heritage assets would be addressed at reserved matters stage.
- F The proposal would not have a harmful impact on protected/priority species subject to mitigation measures to secure the protection of reptiles (slow worms) and other identified species through appropriate planning conditions.
- G Contamination/remediation conditions are recommended to remediate against any contamination which may be present on the site from nearby historic land uses to protect the health of future occupiers of the proposed dwellings.

RECOMMENDATION – APPROVAL WITH CONDITIONS WITH s106

- (1) **The applicant be informed that the committee be minded to refuse planning permission for the reasons set out in paragraph (3) below unless by 6 January 2020 the freehold owner enters into a binding agreement 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 an agreement to secure the following:**
 - (i) **Provision of affordable housing**
 - (ii) **Early Years and Childcare, local primary school and local secondary school education contributions**
 - (iii) **Maintenance of SuDS**
 - (iv) **Public transport contribution to local bus service (contribution of £118,000 (index linked from the date of this recommendation) to contribute to the provision of an enhanced bus service to serve Elsenham, Stansted Mountfitchet and Stansted Airport, and/or sustainable transport infrastructure within the vicinity of the site and local amenities).**
 - (v) **Pay the Council's reasonable legal costs**
 - (vi) **Pay the monitoring fee**
- (2) **In the event of such an agreement 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 agreement, the Assistant Director Planning shall be authorised to refuse permission at his discretion at any time thereafter for the following reasons:**
 - (i) **Non-provision of affordable housing**
 - (ii) **Non-payments of Early Years and Childcare, local primary school and local secondary school education contributions**
 - (iii) **Non-maintenance of SuDS**
 - (iv) **Non-payment of public transport contribution to local bus service or other local sustainable transport infrastructure.**
 - (v) **Non-payment of the Council's reasonable legal costs**
 - (vi) **Non-payment of the monitoring fee**

Conditions

1. Approval of the details of layout, scale, appearance and landscaping (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 5 of the Town and Country Planning (General Development Management Procedure) (England) Order 2015 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 5 of the Town and Country Planning (General Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be begun no later than the expiration of 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 5 of the Town and Country Planning (General Development Management Procedure) (England) Order 2015 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. Prior to any occupation of the development, a 5.5m wide access, as shown in principle on submitted drawing number DWG-04 Rev shall be provided, the access works include:

2.1. Clear to ground visibility splays with dimensions of 2.4 metres by 17 metres in both directions, as measured from and along the nearside edge of the carriageway, and to be retained free of any obstruction at all times thereafter.

2.2. Two 2 metre footways and a crossing point with clear to ground visibility of 17m in each direction

2.3. Widening of Rush Lane to a minimum of 5.5m carriageway to the east of the proposed access and localised widening at the access to the west

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

5. Prior to commencement of development, an Order securing the diversion of the existing definitive right of way 29 (Elsenham) to a route to be agreed with the Local Planning Authority shall be confirmed and the new route within the layout of the development and surfacing agreed to the satisfaction of the Local Planning Authority.

REASON: To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the development does not prejudice the right or ability of the general public to be able to continue to use the local Public Right Of Way Network.

6. Prior to first occupation a pedestrian connection between the development and footpath 28 (Elsenham) shall be provided at the western end of the site and retained thereafter for that purpose.

REASON: To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

7. No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 6.5 l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1:100 plus 40% climate change critical storm 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 Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON: To prevent 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 and to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with ULP Policy

GEN3 of the Uttlesford Local Plan (adopted 2005).

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

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

REASON: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with ULP Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased run-off rates. To mitigate increased flood risk to the surrounding area during construction, there needs to be satisfactory storage of/ disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Pre-commencement condition justification: Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during construction works.

9. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.
Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with ULP Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

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

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

REASON: To ensure the SuDS are maintained for the lifetime of the development

as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with ULP Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

11. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Cotswold Wildlife Surveys, September 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

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

12. No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following.

1. Purpose and conservation objectives for the proposed works.
2. Review of site potential and constraints including ensuring there is no construction (i.e. of SUDS) within the proposed receptor area and that the receptor area provides enhancements to ensure no net loss of reptile habitat.
3. Detailed design(s) and/or working method(s) to achieve stated objectives.
4. Extent and location/area of proposed works on appropriate scale maps and plans.
5. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
6. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
7. Persons responsible for implementing the works.
8. Details of initial aftercare and long-term maintenance of the Receptor area(s).
9. Details for monitoring and remedial measures.
10. Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.” Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: It is a legislative requirement to ensure that appropriate mitigation strategies are implemented where necessary to ensure that protected and priority species are not harmed by new developments.

13. A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- 1 Purpose and conservation objectives for the proposed enhancement measures;
- 2 detailed designs to achieve stated objectives;
- 3 locations of proposed enhancement measures by appropriate maps and plans;
- 4 persons responsible for implementing the enhancement measures;
- 5 details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.”

REASON: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: It is a legislative requirement to ensure that appropriate mitigation strategies are implemented where necessary to ensure that protected and priority species are not harmed by new developments.

14. 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 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 ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

15. Prior to first occupation of the development a scheme for protecting the proposed dwellings from noise arising from road and rail traffic shall be submitted in writing to the local planning authority for approval. The scheme shall follow the recommendations identified in the Resound Acoustics Noise & Vibration Assessment report (Ref: RA00562-Rep 1) dated January 2019. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

REASON: To protect the amenity of future occupiers of the development in accordance with ULP Policy ENV10 of the Uttlesford Local Plan (adopted 2005).

16. The development hereby permitted shall not begin until a scheme to deal with

contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:

1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites – Code of Practice.
2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.
5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of the development. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

REASON: To protect human health and the environment and to minimise and prevent pollution of the land and the water environment in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework and ULP Policy ENV10 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the resulting development does not prejudice the health of future occupants and does not harm water resources as potential receptors.

17. No occupation of any dwellings hereby permitted shall take place until a scheme for protecting and enhancing the air quality of future occupiers of the proposed development has been submitted to and approved in writing by the local planning authority. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details and it shall be retained in accordance with those details thereafter.

REASON: In order to ensure a sustainable development and protect air quality for future residents in accordance with ULP Policy ENV13 of the Uttlesford Local Plan (adopted 2005).

18. 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 ULP Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace

19. 1. No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority prior to reserved matters applications being submitted.
2. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.
3. 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.
4. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: The Historic Environment Record indicates that the proposed development lies within a potentially sensitive area of heritage assets. The proposed site is located between two previously excavated areas which revealed multi-period archaeological remains. These included an Early Bronze Age barrow, Saxon features, medieval field system, settlement and post-medieval farmstead (EHER49001, 48657). There is the potential that these deposits extend into the area proposed for development.

The archaeological work would comprise initial trial trenching to identify the extent and depth of archaeological deposits followed by open area excavation if archaeological deposits are identified. All archaeological work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by ECC Place Services.

Pre-commencement condition justification: To ensure that the resulting development does not prejudice the ability for appropriate archaeological investigation to take place to ascertain the extent to which archaeological deposits may exist at the site and for these deposits to be properly recorded in the public interest in accordance with ULP Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

20. No development shall take place until the open water is removed from the attenuation proposals. If this is not possible, it should be planted with Common Reed, or planted with a dense margin of emergent vegetation and surrounded by trees such as willow or alder to obscure the open aspect of the water.

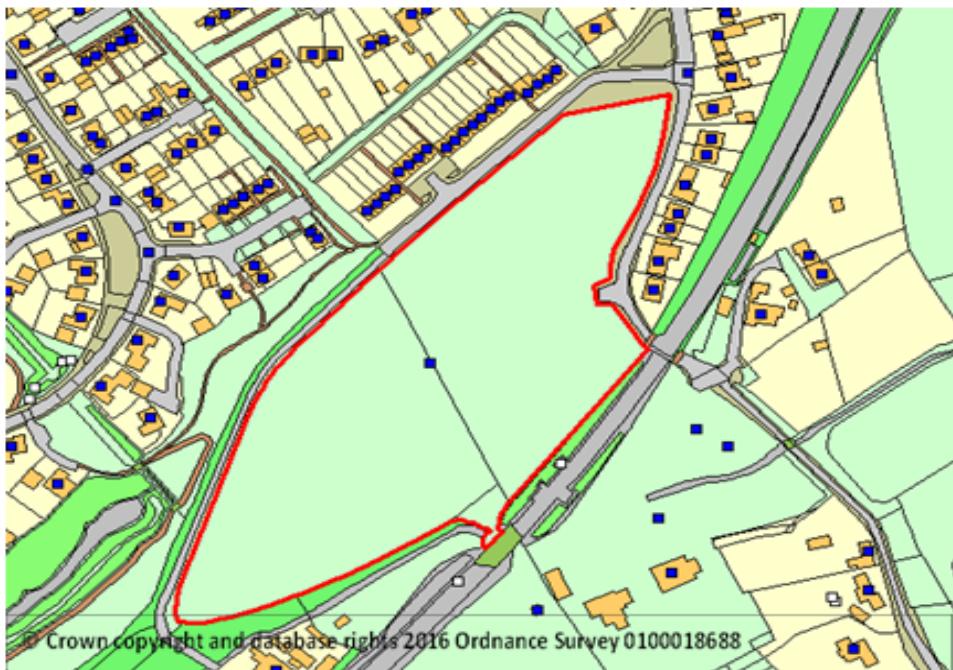
REASON: Flight safety, Birdstrike avoidance - to reduce the attractiveness of the site to hazardous species of birds in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: In the interests of aviation safety.

21. No development to take place until the berry bearing proportion of the landscaping is reduced to no more than 30%.

REASON: Flight safety, Birdstrike avoidance - in order to prevent the formation of suitable foraging habitat for hazardous flocking species in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: In the interests of aviation safety.



Organisation: [Uttlesford District Council](#)

Department: Planning

Date: 23 October 2019

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Agenda Item 7

UTT/19/1932/FUL - BROXTED

Amendment to a scheme previously approved by Committee

PROPOSAL: **Amendment to planning permission UTT/16/3549/FUL in order to substitute the erection of two dwellings with cart lodges to two pairs of three bedroomed semi-detached properties with associated landscaping and cart lodges**

LOCATION: **Whitehall Hotel, Church End, Broxted, CM6 2BZ**

APPLICANT: **Mr B Martin**

AGENT: **Mr Andrew Stevenson**

EXPIRY DATE: **30 September 2019 – EOT 8 November 2019**

CASE OFFICER: **Karen Denmark**

1. NOTATION

- 1.1 Outside development limits/adjacent to Grade II* listed buildings (Church Hall and Brewhouse, Church)/Tree Preservation Order/Within 57dB 16hr LEQ

2. DESCRIPTION OF SITE

- 2.1 The site lies within the hamlet of Church End, Broxted, on the southern side of the B1051. It falls within the grounds of the previous Whitehall Hotel. This site was granted planning permission for the conversion of the buildings to form 8 dwellings and work has progressed significantly.
- 2.2 This element of the site was the former tennis courts and swimming pool, now no longer visible. The formal gardens to the former hotel lie closer to the historic buildings and this application site lies beyond that area. There are three protected trees within the application site. There is a listed wall running along the boundary of the site adjacent to the Church.

3. PROPOSAL

- 3.1 The proposal seeks an amendment to the previously approved scheme for two detached dwellings, as approved under UTT/16/3549/FUL. Instead, it is now proposed to construct two pairs of three bedroom semi-detached properties.
- 3.2 The proposed dwellings would be 1 ½ storey properties with architectural detailing picked up from the main buildings on the site. The proposed materials would be in keeping with the existing buildings on site.

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 is accompanied by a Design, Access and Heritage Statement, an Acoustic Design Statement, a Planning and Heritage Statement, and a biodiversity checklist.

6. RELEVANT SITE HISTORY

- 6.1 UTT/16/3549/FUL: Demolition of sections of former hotel and outbuildings. Conversion of former barn and modern extension to 3 no dwellings. Conversion of former staff dwelling to 1 no dwelling. Restoration and conversion of Church Hall and Brewhouse to 3 no dwellings with new cart lodge. Extension to western section of former hotel and conversion to 1 no dwelling with new cart lodge. Alteration to rear driveway and erection of 2 no dwellings with cart lodges. Erection of open cart lodging and storage areas and associated landscaping. Alterations to vehicular and pedestrian access. Approved 25 April 2017.
- 6.2 UTT/16/3550/LB: Demolition of sections of former hotel and outbuildings. Conversion of former barn and modern extension to 3 no. dwellings. Restoration and conversion of Church Hall and Brewhouse to 3 no. dwellings. Extension to western section of former hotel and conversion to 1 no. dwelling, all with associated internal alterations. Approved 25 April 2017.

7. POLICIES

7.1 Uttlesford Local Plan (2005)

S7 – The Countryside
GEN1 – Access
GEN2 – Design
GEN3 – Flood Protection
GEN7 – Nature Conservation
GEN8 – Parking Standards
ENV2 – Development affecting Listed Buildings
ENV3 – Open Spaces and Trees
ENV10 – Noise Sensitive Development and Disturbance from Aircraft
H4 – Backland Development

7.2 National Policies

National Planning Policy Framework (2019)

7.3 Supplementary Planning Documents

SPD: Accessible Homes and Playspace (2005)
Essex County Council Parking Standards (2009)
Uttlesford Local Residential Parking Standards (2013)

Other Material Considerations

7.4 Emerging Uttlesford Local Plan

SP1 – Presumption in Favour of Sustainable Development
SP10 – Protection of the Countryside
H5 – Residential Development in Settlements without Development Limits

H10 – Accessible and Adaptable Homes
TA1 – Accessible Development
D1 – High Quality Design
D2 – Car Parking Design
D3 – Small Scale Development/Householder Extensions
EN1 – Protecting the Historic Environment
EN4 – Development affecting Listed Buildings
EN7 – Protecting and Enhancing the Natural Environment
EN10 – Minimising Flood Risk
C1 – Protection of Landscape Character

8. TOWN / PARISH COUNCIL COMMENTS

- 8.1 None received.

9. CONSULTATIONS

ECC Archaeology

- 9.1 The Historic Environment Record shows that the proposed development lies within an area of potential sensitive archaeological deposits. It is located between the medieval settlement of Broxted and Church End, just south of the medieval Church of St Mary the Virgin (EHER4617). This area comprised of a church/hall complex with the western boundary of the site comprising the pathway between the complex and the village at Church End. To the east of the site a medieval trackway and field boundaries have been identified from aerial cropmark evidence. The area is also known to have been exploited throughout the Roman period with evidence of Roman material within Broxted church.

The applicant has identified within the Planning and Heritage Statement the presence of archaeological implications for the development and has indicated that an archaeological assessment will be necessary to assist the discharge of the planning application.

Recommend a condition requiring an archaeological programme of trial trenching followed by open area excavation.

Environmental Health Officer

- 9.2 Concerns about aircraft noise were raised in relation to the previous application UTT/16/3549/FUL. Condition 3 on that permission required a scheme of sound insulation measures to be submitted and implemented. This condition has now been discharged, but the insulation measures will still need to be implemented in the amended development now proposed.

Recommended conditions: The glazing and ventilation specification of the new-build buildings shall provide a minimum of 41dB Rw noise reduction, and for the existing premises double glazing shall be installed to achieve a minimum of 46dB Rw, as identified in the HA Acoustics Noise Exposure Assessment HA/BRO201170907.

10. REPRESENTATIONS

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

11. APPRAISAL

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

- A Principle of development (ULP Policies S7, H4; NPPF)
- B Design, including impacts from aircraft noise, impact on the rural area, listed buildings, protected trees and biodiversity (ULP Policies GEN2, GEN7, ENV2, ENV10; NPPF)
- C Access and parking (ULP Policies GEN1, GEN8; NPPF)
- D Flood risk (ULP Policy GEN3; NPPF)

A Principle of development (ULP Policies S7, H4; NPPF)

- 11.1 The application site is located outside the development limits and falls within open countryside where Policy S7 operates a policy of restraint. Planning permission will only be granted for development that needs to take place there, or is appropriate to a rural area. It will only be permitted if its appearance protects or enhances the character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to take place there. The proposals would be contrary to Policy S7 as it relates to an inappropriate form of development that does not need to take place in the countryside. However, planning permission has previously been granted for the erection of two substantial detached houses and cart lodges in this location, as part of a set of development proposals to secure the long term future and vitality of designated heritage assets. This is the fall-back position and is capable of implementation as an extant consent
- 11.2 The principle of sustainable development was considered in detail when planning permission was granted for the two detached dwellings under UTT/16/3549/FUL. It is acknowledged that the previous scheme was considered in respect of the 2012 version of the NPPF. However, the 2019 version of the Framework does not substantially amend the concept of sustainable development. The economic and social elements of the proposals still carry significant weight in terms of the proposals. Indeed, the exchange of two substantial four bedroom properties with four smaller three bedroom dwellings would result in greater benefits in comparison to the previously approved scheme. As discussed in greater detail below, the environmental impacts would not be greater than the approved scheme. Therefore, it is considered that the proposals still represent sustainable development, notwithstanding the fact that the tilted balance is disapproved in this instance due to the less than substantial impacts on designated heritage assets.
- 11.3 The principle of backland development was also considered when planning permission was granted under reference UTT/16/3549/FUL. Whilst those considerations were in respect of the proposed erection of two substantial four bedroom detached dwellings, it is not considered that the erection of four smaller three bedroom dwellings would give rise to such significant impacts on neighbouring properties as to warrant refusal of the application. As such, it is considered that the proposals comply with Policy H4.

B Design, including impacts from aircraft noise, impact on the rural area, listed buildings, protected trees and biodiversity (ULP Policies GEN2, GEN7, ENV2, ENV10; NPPF)

- 11.4 The previously approved dwellings were to be 1 ½ storey dwellings, and this revised scheme relates to a similar scale of development. The two detached properties had a combined footprint of 304sqm (137sqm and 167sqm). The revised scheme has a combined footprint of 300sqm. The location of the proposed dwellings remains the same, albeit a different footprint, but the cart lodges would be positioned slightly closer to the listed buildings in comparison to the extant scheme.
- 11.5 The scale of the development would be larger than previously approved, but would now relate to 4 dwellings and not 2. As previously stated, the new build dwellings on this site previously approved were to help facilitate the renovation works to the listed buildings. Since planning permission was granted for the development there has been a significant change in the market with a shift away from large detached dwellings. The current proposals relate to three bedroom properties, better suited to the current housing market requirements.
- 11.6 The proposed location of the dwellings would be such that no adverse loss of residential to existing dwellings (it is acknowledged that these are currently unoccupied) would arise. In addition, the relationship between the new properties would be such that no adverse impacts on residential amenity would arise. Each plot would have substantial private gardens, far in excess of the minimum requirements as set out in the Essex Design Guide.
- 11.7 The proposed design and materials would be in keeping with the characteristics of the existing development. The proposals therefore comply with Policy GEN2.
- 11.8 The layout of the development would result in the loss of five additional trees in comparison to the previously approved scheme. However, the proposals ensure that there would be no adverse impacts on the protected trees on the site. Tree protection measures during construction works would ensure their long term vitality and viability. As such the proposals comply with Policy ENV3.
- 11.9 A noise survey has been submitted with the planning application. In addition, a range of noise insulation measures in respect of the previous scheme have been approved. These measures can be carried forward and implemented in the current scheme if planning permission is granted. These could be secured by way of condition and as such the proposals comply with Policy ENV10.
- 11.10 The impacts of proposed new build dwellings on the setting of the designated heritage assets was considered in respect of the previous application. The siting of the dwellings enables the retention of the formal grounds to Church Hall and the Brewhouse. As such, the proposals would not result in a significant impact on the setting of the listed buildings. As previously approved, there would be some intervisibility between the church yard and the site. However, given the relationship between the listed church and the site of the proposed new dwellings, it is not considered that the proposals would result in substantial harm to the setting of the heritage assets.
- 11.11 The new build units were considered appropriate to secure the long-term future vitality and viability of the designated heritage assets on the site. The developer has completed the majority of the works to these buildings and is preparing to commence work on the new build units. The less than substantial harm to the heritage assets is considered to be outweighed by the benefits of the proposal, as they would not be significantly different to the previously approved scheme. Indeed, the provision of four dwellings rather than two is seen as providing

increased benefits in comparison to the previously approved proposal. The proposals therefore comply with ULP Policy ENV2 and paragraph 196 of the NPPF.

C Access and parking (ULP Policies GEN1, GEN8; NPPF)

- 11.12 The proposals would utilise the same access arrangements as previously approved. The increase in the number of dwellings from two to four would not give rise to any significant highway issues to warrant refusal of the scheme. The proposals therefore comply with Policy GEN1.
- 11.13 The proposed dwellings would now be three bedroom units and each property would have two parking spaces, as required by the Council's adopted car parking standards. Whilst visitor parking is not specifically identified on the plan, there would be more than sufficient space within the site to accommodate additional parking for visitors. As such the proposals comply with Policy GEN8.

D Flood risk (ULP Policy GEN3; NPPF)

- 11.14 The flood risk issues were considered in respect of the original proposals as the overall site covered approximately 1ha. The site is located within Flood Zone 1 where there is no risk of flooding from rivers, sea, etc. Surface water flooding can occur within highly dense urban areas or where there are large areas of impermeable surfacing. The proposals were previously considered by ECC as the Lead Local Flood Authority who raised no objections to the proposals subject to conditions. As this site relates to only part of the former 1 ha site, ECC is not required to be consulted on the revised proposals. However, the previously approved drainage scheme can be carried forward to this proposal. As such the proposals comply with Policy GEN3.

12. CONCLUSION

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

- A** The proposals relate to an alternative scheme in respect of new build properties at Whitehall. The principle of development has already been established with the extant consent on the site. It is not considered that this scheme is so significantly different as to warrant refusal.
- B** The proposals would result in less than substantial harm to the heritage assets. As before, the public benefits outweigh the harm, and the increase in the number of dwellings would increase the benefits. Protected trees can be protected during the construction works. Noise impacts can be mitigated and secured by way of a condition.
- C** The access and parking arrangements are as per the previous scheme and meet the adopted standards.
- D** The proposals do not give rise to any increased flood risk

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. Development shall be carried out in accordance with the materials as approved under reference UTT/17/3357/DOC, unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of the appearance of the development and to protect the character and setting of the listed buildings, in accordance with Policies GEN2 and ENV2 of the Uttlesford Local Plan (adopted 2005).

3. The dwellings hereby permitted shall be constructed in accordance with the noise mitigation measures as approved under reference UTT/17/3357/DOC.

REASON: In order to provide suitable living environment for the occupiers of the dwellings, in accordance with Uttlesford Local Plan Policies GEN2 and ENV10 (adopted 2005) and the NPPF.

4. The surface water drainage scheme for the site shall be carried out strictly in accordance with the details approved under UTT/17/3357/DOC, unless otherwise agreed in writing by the local planning authority.

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, in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005), and the NPPF.

5. The development shall be carried out strictly in accordance with the measures to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works as approved under UTT/17/3357/DOC, unless otherwise agreed in writing by the local planning authority.

REASON: The NPPF paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development, and in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005).

6. The development shall be carried out strictly in accordance with the Maintenance Plan approved under UTT/17/3357/DOC, unless otherwise agreed in writing by the local planning authority.

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, in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005) and the NPPF.

7. The development hereby permitted shall be carried out strictly in accordance with the landscaping scheme approved under reference UTT/17/3357/DOC, unless otherwise agreed in writing by the local planning authority.

REASON: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of birds and an increase in the bird hazard risk of the application site, and in order to protect the character and setting

of the listed buildings, in accordance with Uttlesford Local Plan Policies GEN2 and ENV2.

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

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

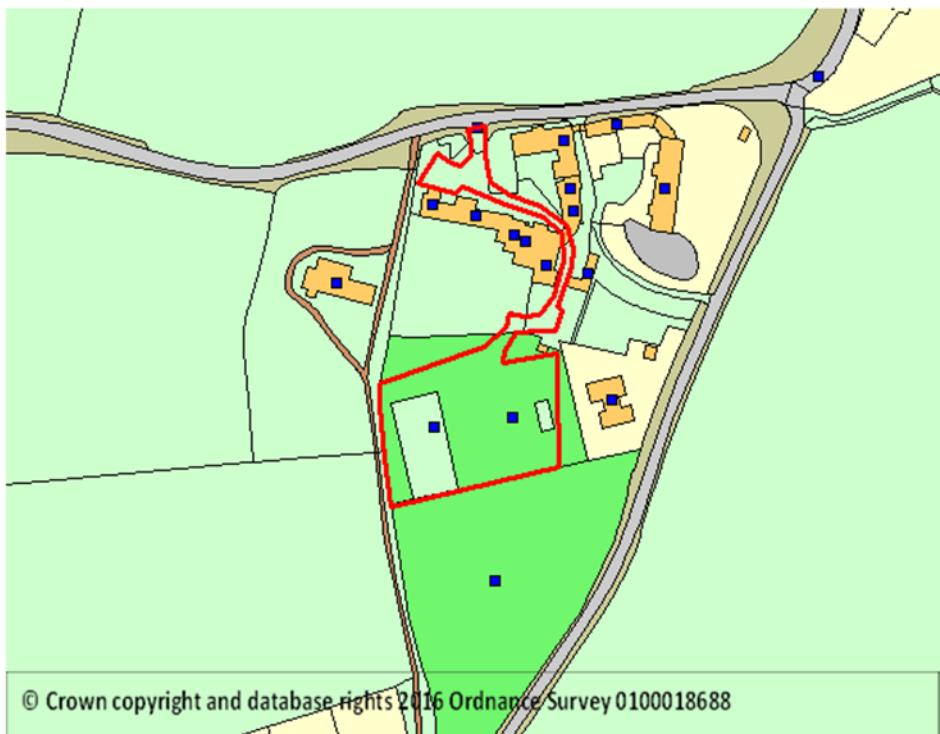
9. The development hereby permitted shall be carried out strictly in accordance with the lighting scheme approved under UTT/17/3357/DOC, unless otherwise agreed in writing by the local planning authority.

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

10. The development hereby permitted shall be carried out in accordance with the following design principles:
 - o All new roofs to be hand made plain clay tiles or natural slate
 - o All weatherboarding to be feather edge pointed timber
 - o All new brickwork to be formed in hand made soft clay bricks and laid in Flemish bond
 - o All external joinery to be painted timber with slender ovolو moulded glazing bars as indicated.REASON: In the interests of the appearance of the development and to protect the character and setting of the listed buildings, in accordance with Policies GEN2 and ENV2 of the Uttlesford Local Plan (adopted 2005).

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes E (outbuildings) and F (hardstandings) or Part 2, Class A (fences, gates or walls) shall be constructed within the site or on the site boundaries without the prior written permission of the local planning authority.

REASON: To ensure the development retains the character and setting of the principal Grade II* and Grade II listed buildings, in accordance with Uttlesford Local Plan Policy ENV2 and paragraphs 132-134 of the NPPF.



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Organisation: Uttlesford District Council

Department: Planning

Date: 10 October 2019

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Agenda Item 8

UTT/18/3399/FUL (Saffron Walden)
Called in by CLLR Lodge (Overdevelopment of the site)

PROPOSAL: Demolition of existing buildings and erection of 7 no. residential units

LOCATION: Former Walden Dairy, 135 Thaxted Road, Saffron Walden

APPLICANT: Mr & Mrs M Stephenson

AGENT: Artek Design House Ltd

EXPIRY DATE: 8th November 2019

CASE OFFICER: Chris Tyler

1. NOTATION

1.1 Development Limits,

2. DESCRIPTION OF SITE

2.1 The application site relates to a former dairy yard and building located to the west of Thaxted Road in the town of Saffron Walden. The site consists of two main buildings, a number of outbuildings and hard standings. Highway access to the site is established to the front of the site

3. PROPOSAL

3.1 This application is in relation to the demolition of the existing buildings and erection of 7 dwellings. The dwellings consist of a pair of two and half storey semi-detached dwellings, four one bedroom apartments and single detached two and half storey 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 applicant has provided a design and access statement in support of the planning application to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way.

Also submitted is a completed biodiversity checklist,
Ecological report
Flood risk assessment

6. RELEVANT SITE HISTORY

- 6.1 UTT/18/1564/FUL- Demolition of existing buildings and erection of 7 no. dwellings
Refused 31/7/2018
Reasons- inappropriate scale and design, loss of privacy to neighbouring properties.

7. POLICIES

7.1 National Policies

National Planning Policy Framework (2019)

7.2 Uttlesford Local Plan (2005)

Policy S1 – Development limits for main urban areas
Policy GEN1- Access
Policy GEN2 – Design
Policy GEN3 -Flood Protection
Policy GEN4- Good Neighbourliness
Policy GEN6- Infrastructure and provision to support development
Policy GEN7 - Nature Conservation
Policy GEN8- Vehicle Parking Standards
Policy H4- Backland development
Policy H9- Affordable Housing
Policy H10- Housing Mix
Policy E2- Safeguarding Employment Land
Policy ENV14- Contaminated Land

7.3 Supplementary Planning Documents/Guidance

Uttlesford Local Residential Parking Standards (2013)
Essex County Council parking Standards (2006)
Supplementary Planning Document- Accessible homes and play space homes
Essex Design Guide

8. PARISH COUNCIL COMMENTS

- 8.1 No Objections

9.0 CONSULTATIONS

The Highways Authority

- 9.1 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 the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on drawing no. Artek/Stephenson/002 (dated March 2018) shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained

at all times for their intended purpose. Reason: To ensure that appropriate access, parking and turning is provided.

2. Any redundant access width shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, in consultation with the Highway Authority, incorporating the reinstatement to full height of the highway verge/footway/kerbing, within one month the proposed new access is brought into use. Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.
3. 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.
4. Prior to occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be provided clear of the highway and retained at all times for that sole purpose. Reason: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety.
5. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway. Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.
6. 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.
7. 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. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

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.

Environmental Health

- 9.2 No Objections, subject to the imposition of conditions
The proposal site has hardstanding and a number of buildings historically used as a milk processing dairy with associated vehicles, and as a result, there is potential for contamination in the ground.

The following conditions are therefore recommended to ensure the land is suitable for residential use:

1. No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority: A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination;
A Phase 2 Site Investigation (where shown as necessary the Phase 1 Desk Study);

A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation)

All such work shall be undertaken in accordance with BS:10175:2011 or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.

2. 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.

3. In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

Access & Air Quality

Supporting information states that cycle parking and storage will be provided, and the site is within 1km walking distance to local amenities, and will therefore comply with saved policy GEN 1 Access. The site is within Saffron Walden Air Quality Management Area, and additional non-low emission traffic generated by the development will impact on air quality. Provision of charging facilities to support the use of low emission vehicles should be encouraged.

The following conditions are suggested:

Cycle/Powered Two wheeler parking shall be provided at each house and at the apartment parking spaces. The parking shall be secure, convenient, covered and provided prior to occupation.

Electric vehicle charging points shall be installed at each parking space for the houses and each allocated parking space for the apartments. These shall be provided, fully wired and connected, ready to use before first occupation.

Environment Agency

9.3 The site has been inspected- no objections.

We take this opportunity to remind the applicant that they may require an environmental permit to undertake their work.

Environmental Permitting Regulation 2010

Flood Defence Consents now fall under the new Environmental Permitting (England and Wales) Regulations 2010 system (EPR). The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8m of the river and of any flood defence structure or culvert of the Slade System, designated a 'main river'.

The EPR are a risk-based framework that enables us to focus regulatory effort towards activities with highest flood or environmental risk. Lower risk activities will be excluded or exempt and only higher risk activities will require a permit. Your proposed works may fall under an either one or more of the below:

- 'Exemption',
- 'Exclusion',
- 'Standard Risks Permit'
- 'Bespoke permit.'

New forms and further information can be found at:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Anyone carrying out these activities without a permit where one is required, is breaking the law.

Please contact our National Customer Contact Centre to assess which category your proposed works fall under. They will then be able to tell you the classification of your application, the fee associated with your application, and how to proceed forward. They can be contacted by email at: floodriskactivity@environment-agency.gov.uk

Environmental Project Officer (Water Resources)

9.4 No Objection

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

For further information, we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Aerodrome Safeguarding (NATS)

9.5 No safeguarding conflict

Ecology

9.6 No objections

The proposal are limited in scale and scope and according to the protected species survey are unlikely to impact designated sites, protected / priority species or priority habitat.

The OPDM circular 06/05 is clear that further surveys are only required if there is a reasonable likelihood of biodiversity impact. Given the low ecological value of the

site, further surveys are not required.

10 REPRESENTATIONS

10.1 3 Objections received , the following summarises the comments received;

10.2

Comments received	Case officer comments
Further traffic congestion	The proposal has been assessed by the Highway Authority, no objections have been made, consideration will be made in the following report
The development will result in parking on the highway	Off street parking will be provided within the site, a strict site management condition should be imposed if approved.
The development to the rear of the site is out of keeping	Due to the size and existing use of the site the proposal is considered back-land development. ULP Policy H4 will consider this in the following report
The proposal will result in loss of light and overshadowing	An assessment will be made in the following report.
The development will cause noise, disturbance and parking issues during the construction.	The development will result in noise during the construction period, however this and any other potential noise impact will be considered in the following report.

10.3 All material planning merits will be considered in the following report.

11 APPRAISAL

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

- A The principle of the development of this site, and design (ULP Policies S1, E2, GEN2, NPPF, SPD Accessible Homes and Playspace);
- B Whether the development would result in harm to the amenity of the neighbouring properties by way of overlooking, overshadowing or overbearing effects (ULP Policies GEN2, GEN4 and H4)
- C Access to the site (ULP Policy GEN1);
- D Vehicle Parking Standards (ULP Policy GEN8, SPD Uttlesford Neighbourhood Parking Standards 2013 and ECC Parking Standards 2009);
- E Nature Conservation (ULP Policy GEN7)
- F Flood Risk (ULP Policy GEN3)
- G Contaminated Land (ENV14)
- H Exposure to poor air quality (ENV13)
- I Any other material considerations

A The principle of the development of this site, design (ULP Policies S1, H4 E2, GEN2, NPPF, SPD Accessible Homes and Playspace);

11.1 The scheme is to demolish the existing buildings and the erection of 7 dwellings. In policy terms the site is within the development limits of Saffron Walden (S1) where

development will be permitted is compatible with the character of the settlement. Furthermore ULP Policy H4 addresses back land development and states development will be permitted if:

1. There is significant under use of the land and development would make more effective use of it;
2. There would be no material overlooking or overshadowing of nearby properties
3. Development would not have an overbearing effect on neighbouring properties
4. Access would not cause disturbance to nearby properties.

As such this point will be assessed in the following paragraphs.

11.2 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 the following are considered material considerations:

The NPPF.

The lack of a 5 year housing supply.

11.3 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). The most recent housing trajectory document in (Oct 2019) demonstrates 2.68 years housing supply. In terms of housing delivery, nationally available figures indicate that delivery was 147% over the past 3 years, this may be subject to change but at present the Council is therefore unable to demonstrate a deliverable 5 year supply of housing land and due weight must be given to the proposal. This means that due consideration and weight should be applied in regards to the positive role of sustainable development.

11.4 ULP Policy GEN2 requires development proposals, inter alia, to be compatible with the scale, form, layout, appearance and materials of surrounding buildings. It also requires development to safeguard important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate. Paragraph 127 of the NPPF states planning decisions should ensure that developments establish or maintain a strong sense of place, using the arrangement of streets spaces, building types and materials to create attractive, welcoming and distinctive places to live.

11.5 Plot 1 and 2 will include the introduction of two semi-detached properties, the design of these dwellings will include the introduction of a front gable feature while utilising the sloping ground levels to the rear of the site to provide ground floor accommodation. Although the ridge height of the gable feature to the front elevation is higher than side elevation this is considered not to be overly dominant or intrusive

and sits well within the street scene and the scale and heights of the neighbouring properties, providing a linear character compatible with the surrounding area. Appropriate private amenity space is included to the rear of the dwellings.

- 11.6 In regards to Plot 7, this will be to the rear of the site and will include the introduction of a two and half storey dwelling. The design of the dwelling has been revised from the previously refused application and now includes a reduced height to the northern boundary of the site. Although the dwelling is of a large scale it replaces the existing large commercial building. Plot 7 will include a traditional form and appearance that will not be overly dominating or intrusive in appearance. Further planting to the boundary will be secure by condition to enhance the existing boundary treatment. To the rear of the site are mature trees and beyond this is the residential development of Crab Trees. Appropriate amenity space is provided to the rear of the site.
- 11.7 Plots 3, 4, 5 and 6 will provide 4, one bedroom apartments, the overall scale of the building is smaller than the proposed neighbouring dwellings, as such due to the scale and siting of the building at the rear of the site no design objections are raised. The ground floor dwellings include appropriate outside private space, although the first floor dwellings the provision of balconies, this is compatible with the aims of the Essex Design Guide and is recognised that residents of such flats have access to local open space to have the benefits of living in such a core area.
- 11.8 In regards to ULP Policy H4 (back land development), the proposal is considered to have a more effective use of the site following the closure of the dairy business and will contribute to housing supply.
- 11.9 Taking into regards the design, scale and size of the proposal, the lack of a 5 year housing supply, it is considered the development is appropriate in the context of the site and surrounding area and not in conflict with ULP Policy S1, H4, GEN2 and the NPPF.
- 11.10 The proposal will include demolition of the existing dairy building and erection of 7 dwellings, although the use of the site is for the dairy business the site is not a key designated employment area as stated in ULP Policy E2. As such due to the long term closure of the business it is considered the development does not conflict with ULP Policy E2.

B Whether the development would result in harm to the amenity of the neighbouring properties by way of overlooking, overshadowing or overbearing effects (ULP Policies GEN2, GEN4 and H4)

- 11.12 Policy GEN2 of the Local Plan states that new development should not have any materially adverse effect on the reasonable occupation and enjoyment of a residential property as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.
- 11.13 An objection has been received from the neighbouring property in regards to loss of light and overbearing impacts. This relates to the scale and positioning of plot 7 and the neighbouring properties to the north of the site. The form and scale of the dwelling has been revised following the refusal of the application and there is a significant reduction of built form along the northern boundary. The positioning of Plot 7 is set back well into the site and a significant distance from the neighbouring properties and therefore should not result in a significant harmful loss of light or overshadowing.

- 11.14 In regards to overbearing impacts, Plot 7 is of a sufficient distance from the neighbouring properties to not result in an overbearing impact.
- 11.15 Sufficient distance is set between Plots 1 and 2 and the block of 4 flats to the rear of the site. The front first floor windows of the flat will include obscure glazing to ensure there is no loss of privacy to Plots 1 and 2; this should be secure by condition should planning permission be granted. There are no windows to the upper floors of Plot 7. As such it is considered the development will not result in any loss of privacy or overlooking
- 11.16 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 good will be imposed should planning permission be granted. Any noise from construction will not result in a permanent issue and will be resolved on completion of the development. The use of the site as residential is not considered to result in any significant increase in noise or intensification of use that will have a harmful impact to existing neighbouring residential occupiers.
- 11.17 As such it is considered the development accords may result in some loss of light, overshadowing and some noise disturbance it is not considered to be of a significant level that will have a material harmful impact to neighbouring properties or justifies the refusal of the application. The development accords with ULP Policies H4, GEN2 and GEN4.

Access and Highway Safety (ULP Policy GEN1)

- 11.18 Policy GEN1 states that development would only be approved when satisfactory safe access can be provided. The dwellings to the rear of the site will utilise the existing access to the site, Plot 1 and 2 will have direct access from the main highway. Essex County Council Highways have been consulted and have not made any objections in regards to access subject to the imposition of planning conditions. As such it is considered the proposal will not have any harmful impact to highway safety. The application complies with ULP Policy GEN1.

Local Parking Standards (ULP Policy GEN8)

- 11.19 ULP Policy GEN8 considers the whether the development will have appropriate parking provision, this also in accordance with the adopted Uttlesford Neighbourhood Parking Standards (2013), and Essex County Council Vehicle Parking Standards (2009). A further 2 visitor parking spaces have been provided; these details are demonstrated on the submitted site layout plan. The parking provisions also accord with the recommended parking sizes within the Essex County Council Vehicle Parking Standards (2009). As such it is considered the proposal complies with ULP Policy GEN8 and the Uttlesford Neighbourhood Parking Standards (2013).

Nature Conservation (ULP Policy GEN7)

- 11.20 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. A protected species scoping

survey has been submitted with the planning application. Essex County Council Ecology has been consulted and has made no objections. It is therefore unlikely the proposed development will have harmful adverse impact on protected species and therefore complies with Policy GEN7.

Flood Risk (ULP Policy GEN3 and the NPPF)

- 11.21 In terms of flood risk, the site is situated within Flood Zones 2 as shown on the on the Government's Flood Risk Map. The Government's guidance of the development of Flood Zone 2 states a Flood Risk Assessment should be carried out and submitted with any planning application, furthermore as set out in the National Planning Policy Framework, local planning authorities should only consider development in flood risk areas appropriate where informed by a site-specific flood risk assessment.
- 11.22 Residential uses are designated as 'More Vulnerable' and is appropriate in Flood Zones 1 and 2, although in Flood Zone 2 a sequential test may be required. In relation to the sequential test, this is to steer development to areas of a lower probability of flooding.
- 11.23 In relation to the details set out in section 3 of the flood risk assessment, the site would remain un-flooded in a typical 1 in 100 year event and as such should be considered Zone 1. Further to this the proposal involves the reuse of a brownfield site which is surrounded by existing residential development; by assumption of the above details the proposal would pass the sequential test.
- 11.24 Taking into account the comments of the Environment Agency, it is considered that the submitted Flood Risk Assessment demonstrates that the development would be safe from flooding. Furthermore from the information included in the FRA considers the site not to be of any significant risk of flooding by any means.
- 11.25 It is not considered The Slade provides any significant risk of flooding to the site and there is no historical records of fluvial flooding having occurred at the site previously.
- 11.26 The proposal finished floor levels should be set 300mm above proposed ground levels on the eastern edge of the dwellings, post development works to the bank of the Slade will be increased from 1m to 4m with the foundation of the proposed dwellings designed to ensure that there will be no adverse impact upon the bank stability of the watercourse.
- 11.27 Drainage throughout the site and the use of an infiltration system could be conditioned to be completed during the construction of the development and completed prior to the occupation of the development.
- 11.28 As such taking in the information submitted with the FRA and consultation response from the Environment Agency, it is considered the proposal will not result in an increase in flooding risk due to the surface water discharge from the development being adequately managed to ensure no additional risk of flooding both on site and off site, even under extreme conditions. Sufficient details have been provided to satisfy the requirements of the policy guidance and with the imposition of planning conditions it is considered the proposal accords with ULP Policy GEN3 and Paragraph 163 of the NPPF.

Contaminated Lane (ULP Policy ENV14)

11.29 ULP Policy ENV14 considers the impact of contamination of the site and its impact to the proposed development. Contamination may be present on the site however this is considered low. However, there is always a potential risk associated with such commercial sites where made ground may be present. UDC Environmental Health team have been consulted, whereby no objections have been made subject the imposition of a planning condition. As such it is considered the development will not result in any harmful impact due to contamination risks and the proposal accords with ULP Policy ENV14

Exposure to poor air quality (ENV13)

11.30 In regards to poor air quality, due to the scale of the development the impact to the air quality management area is likely to be small in the context of this particular application. In view of the scale of proposed development and comments received from the Environmental Health Officer it is not considered a specific air quality condition is necessary for this particular application however details of cycle / powered two wheeler storage and the provision of electric charging points should be provided prior to the occupation of the dwellings. Therefore, it is considered the proposal accords with ULP Policy ENV13

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

- 11.31 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. Given the advice in Planning Practice Guidance (paragraph reference ID: 23b-031-20160519), which states that contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build development, it is not considered that a financial contribution would be required. This is because the proposal qualifies as a small scale development of 10-units or less, which is unlikely to have a combined maximum gross floorspace of more than 1,000 square metres, and there are no other material circumstances that indicate that it would be justifiable to seek a contribution.
- 11.32 No requests have been made at this stage from the Essex County Council's Infrastructure Planning Officer in regards to the requirement of infrastructure contributions and therefore complies with ULP Policy GEN6.
- 11.33 The proposal includes a mix of smaller properties, no objections have been made by the Council's Housing Officer, as such it is considered the proposal accords with ULP Policy H10.
- 11.34 Any other material considerations:
The following policies are included in emerging Local Plan submission and therefore have been considered in the assessment of the application; these policies hold some limited weight.

SP9- Development within development limits
EMP2- Existing and proposed employment area
D1- High quality design
TA1- Accessible development
TA4-vehicle parking standards
EN8- Protecting the natural environment
EN17- Air Quality
EN18 Contaminated land

EN19- Noise sensitive development
H5- Backland development
H6- Affordable Housing
H2- Housing Mix
INF1 Infrastructure Delivery

12 CONCLUSION

- 12.1 In conclusion, the proposed development of the former dairy is considered an appropriate form development that would represent an acceptable scheme terms of design, access, parking provisions, impact on protected species and biodiversity.
- 12.2 It is considered that the weight given to the requirement to provide a 5 year land supply and development would assist towards this. Therefore it is considered that planning permission should be granted for the development.
- 12.3 The submitted shows that there will not be any significant impacts on residential amenity in accordance with ULP Policies GEN2 and GEN4.
- 12.4 Electric vehicle charging points are proposed to mitigate the potential harm to the development being within the defined air quality area (ULP ENV13).

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

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

- 2 Prior to the commencement of 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. Thereafter, the development 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 this condition is required to ensure compatibility with the character of the area in accordance with ULP Policies S1 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).

3 The dwellings hereby approved 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.

4 Prior to commencement of works above slab level, details of the following external finishes (including samples and/or photographs as appropriate) must be submitted to and approved in writing by the Local Planning Authority:

- Walls
- Roof
- Windows
- Doors

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

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

5 The windows to first floor eastern elevations of Plots 3 to 6 as demonstrated on approved plan 0001 B shall be obscure 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 and will be fixed closed. The development shall be implemented in accordance with the approved details and the obscure glazing retained thereafter in those windows unless agreed in writing by the Local Planning Authority.

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).

6 All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Chris Vive, July 2017) 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 in accordance with ULP Policy GEN7.

7 Prior to the commencement of the development hereby permitted a scheme to deal with contamination of land/ground gas/controlled waters shall be submitted to and approved in writing by the Local Planning Authority, in accordance with the aims of ULP Policy ENV14

The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:

1.A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites - Code of Practice.

2. If any contamination is found during the phase 1 investigation, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), 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.

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

3. The approved remediation scheme shall thereafter be implemented in accordance with the approved timetable of works. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority.

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

- 8 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on drawing no. Artek/Stephenson/002 (dated March 2018) shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained at all times for their intended purpose.

REASON: To ensure that appropriate access, parking and turning is provided and in accordance with ULP Policy GEN1.

- 9 Any redundant access width shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, in consultation with the Highway Authority, incorporating the reinstatement to full height of the highway verge/footway/kerbing, within one month of the proposed new access being brought into use.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety and in accordance with ULP Policy GEN1.

- 10 Any gates provided at the clear of the carriageway whilst gates are being opened and closed in the interest of highway safety, gates shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand and in accordance with

ULP Policy GEN1.

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

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

- 12 Electric vehicle charging points shall be installed at the parking space for the houses and each allocated parking space for the apartments. These shall be provided, fully wired and connected, ready to use before first occupation.

REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within the designated air quality management area and in accordance with ENV13.

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

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

- 14 Before the occupation of the development hereby approved the buffer to the top of the bank of The Slade will be increased from 1m at present to 4m, with foundations to buildings designed to ensure that there will be no adverse impact upon the bank stability of the watercourse.

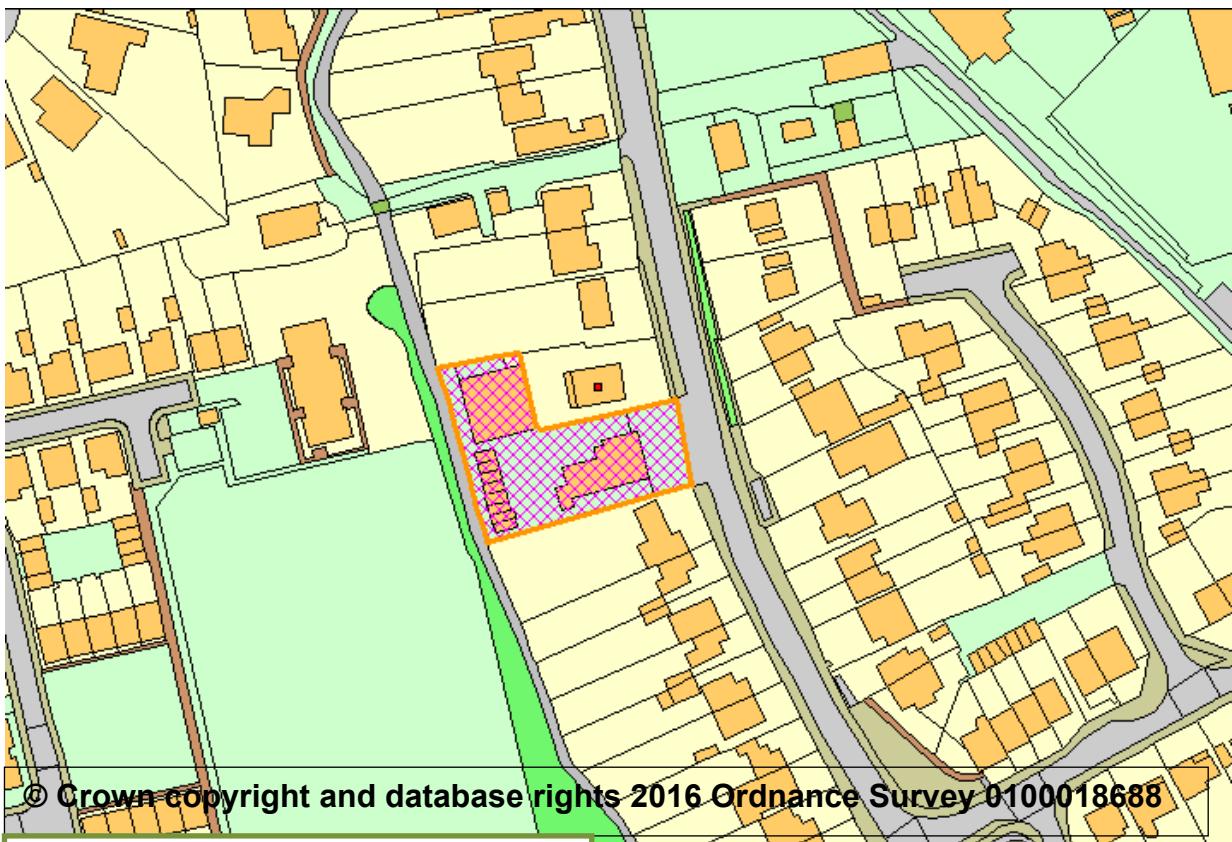
REASON: To provide adequate protection to the buildings against flooding and in accordance with ULP Policy GEN3

- 15 The floor levels of the development hereby approved should be set a minimum of 300mm above ground level on the eastern edge of the dwellings (thus a minimum finished floor level of any dwelling will be 66.9AOD).

REASON: To provide adequate protection to the buildings against flooding and in accordance with ULP Policy GEN3

- 16 The infiltration system shall be as set out in paragraphs 6.6 and 6.7 of the Flood Risk Assessment submitted with the application (MTC Engineering- July 2017).

REASON; To provide adequate protection to the development in regards to surface water, against flooding and in accordance with ULP Policy GEN3.



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Organisation: Uttlesford District Council

Department: Planning

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Agenda Item 9

UTT/19/1301/FUL
(Quendon)

PROPOSAL: Construction of 9 new dwellings, vehicular access and associated parking and landscaping

LOCATION: Land East Of Foxley House, Cambridge Road, Quendon

APPLICANT: Stonebond Properties Ltd

AGENT: Phase 2 Planning

EXPIRY DATE: 8th November 2019

CASE OFFICER: Chris Tyler

1. NOTATION

1.1 Outside Development Limits,

2. DESCRIPTION OF SITE

2.1 The application site relates to a plot of land to the east of Foxley House in the village of Quendon. To the east of the site is Cambridge Road, the site is mainly bound by mature vegetation. To the north of the site is a public right of way connecting Cambridge Road to the centre of Rickling Green.

3. PROPOSAL

3.1 This application is for the erection of nine dwelling, vehicular access, associated parking and landscaping.

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 applicant has provided a planning statement in support of the planning application to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way.

Also submitted is a completed biodiversity checklist,
Design and access statement

Arboriculture impact assessment
Ecological report
Flood risk assessment

6. RELEVANT SITE HISTORY

- 6.1 There are no planning application linked to this proposal

7. POLICIES

7.1 National Policies

National Planning Policy Framework (2019)

7.2 Uttlesford Local Plan (2005)

Policy S7 – The countryside
Policy GEN1- Access
Policy GEN2 – Design
Policy GEN3 -Flood Protection
Policy GEN4- Good Neighbourliness
Policy GEN6- Infrastructure and provision to support development
Policy GEN7 - Nature Conservation
Policy GEN8- Vehicle Parking Standards
Policy H1- Housing Development
Policy H9- Affordable Housing
Policy H10- Housing Mix
ENV13- Exposure to poor air quality
ENV14- Contaminated Land
ENV3- Open Space and Trees

7.3 Supplementary Planning Documents/Guidance

Uttlesford Local Residential Parking Standards (2013)
Essex County Council parking Standards (2006)
Supplementary Planning Document- Accessible homes and play space homes
Essex Design Guide

7.4 Emerging Plans

Uttlesford Emerging Local Plan
Newport, Quendon and Rickling Emerging Neighbourhood Plan

8. PARISH COUNCIL COMMENTS

- 8.1 Here is the response from Quendon and Rickling Parish Council to this planning application.

After the recent construction of the houses in the Ventnor Lodge and Foxley House developments Quendon and Rickling Parish Council (Q&RPC) would prefer to see no further new developments within the village.

However, Q&RPC understands that UDC is minded to approve development on this site. If such approval were to be given then Q&RPC is of the opinion that the new

housing must meet the needs of the village, be high quality and well designed, add to biodiversity and encourage walking. These aims are supported by the Essex Design Guide (EDG), the National Planning Policy Framework (NPPF) and the Quendon and Rickling Village Plan.

Q&RPC is of the opinion that the proposals as they stand are deficient in the following ways :

- 1.Little thought for biodiversity
- 2.Lack of permeability
- 3.Uninspired design that does not reflect local environment
- 4.Information Infrastructure
- 5.No two bedroom houses
- 6.No electric vehicle charging points

1 Biodiversity

The EDG (p23) states that new developments should be 'laid out in such a way as to safeguard the existing ecology and improve the natural habitat'. And (p25) 'Existing ecology and natural habitats found on the site must be safeguarded and enhanced and new opportunities for increasing the biodiversity should be explored'. The NPPF states the following: Para 170 'Planning policies and decisions should contribute to and enhance the natural and local environment by: minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'. Para 174 'plans should: promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity'.

Para 175 'development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity' These statements make it clear that biodiversity should be part of a new development such as this. I think that this can be achieved by :

- (i)The incorporation of nesting boxes for swifts into each building
- (ii) The incorporation of bat boxes into each of the buildings
- (iii) Wildlife corridors (ie hedges and tree screening) through and around the perimeter of the development, (to include the Northern boundary with Hallfields)
- (iv) Ensuring that any fencing has gaps at ground level to allow hedgehogs, frogs and toads to pass through.

Points (i) and (ii) are supported by the RSPB and the Bat Conservation Trust and the way that they can be achieved is explained in the Royal Institute of British Architects biodiversity guide :

<http://www.ribabookshops.com/item/designing-for-biodiversity-a-technical-guide-for-new-and-existing-buildings-2ndedition/79859/>

2. Permeability, walking and public transport use This relates to ensuring that the development is not isolated from the rest of the village and that it can be accessed easily on foot via natural and desirable routes.

The EDG states: Page 27 'A street layout that encourages walking and cycling is permeable, in that it is well connected and offers a choice of direct routes to all destinations' It should be possible for pedestrians to move freely between all parts of the layout' Page 23 'The development [should be] laid out in such a way as to ... encourage walking and cycling'

The NPPF states: Para 182 - Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs)

Para 110 – ‘applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use... c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles’

Q&RPC are of the opinion that as proposed the development is cut off from the rest of the village and that a footpath at the northern end of the development that links to the existing footpath running past Hallfields is required.

Such a footpath would provide new residents with access to the village hall and the northern part of the village whilst also providing existing residents with safe access to the children’s public play area; avoiding the need to walk along the B1383. It is important that this access should be a public right of way and, along with the rest of the development’s routes built to the required standard so that it can be adopted. Q&RPC are of the opinion that a zebra (or similar) crossing across the B1383 as well as a footpath to the crossing is required so that bus stops can be safely accessed. Without easy and safe access to public transport the residents of the new houses will be forced to rely on private motor vehicles.

3.Design

The NPPF states: Para 124 The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process

Para 125 Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.

Para 127 Planning policies and decisions should ensure that developments: are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
128 Design quality should be considered throughout the evolution and assessment

of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community.

Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot

130. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme

(for example through changes to approved details such as the materials used).

131. In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. The EDG has detailed examples of what well designed buildings in Essex should look like.

Q&RPC is of the opinion that the proposed design of these buildings does not match the standards set out in the NPPF and the EDG. The proposed designs are standard and mundane and do not reflect the traditional designs of Northwest Essex.

For example the EDG states ‘typically, in order to conform to the traditional Essex roofscape, roofs should be pitched at approximately 50° over spans not exceeding 5m. Such roofs are more attractive gabled than hipped. The use of hips on both ends of a house gives it a suburban look and makes it difficult to integrate into the street scene. Hips should therefore be used sparingly’.

The proposed houses do not meet the standards in the EDG and the plans should be revised so that they do reflect the style of the long established village.

In addition it is important to note that houses must contain adequate provision for resident and visitor parking, since there is no room in Hallfields, in the Village Hall car park, or anywhere else in the village for additional parked vehicles.

4 Information Infrastructure

The proposals do not, as far as Q&RPC can tell, detail the communications infrastructure that will be provided. However NPPF states :

Para 112. Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).

Q&RPC is of the opinion that any approval for the development must be subject to

the provision of information infrastructure by the developers.

5. No Two Bedroom Houses

The proposals only contain 3 and 4 bedroom houses; they do not contain any 2 bedroom houses. The Village Plan explains that smaller houses are required in order to maintain a mixed community and a vibrant village, where younger people can establish themselves and older people are able to downsize. Q&RPC would like to see the plans revised so that they do include 2 bedroom properties.

6. No Electric Vehicle Charging Points

The EDG states that 'for housing developments with garages and/or dedicated off-street parking, each new dwelling should be fitted with a standard (3-7kW) chargepoint.'

Q&RPC can find no reference to charge points in the proposals. Q&RPC would like to see the proposals revised so that they do include charge points.

Other Points of Note

- (i) Q&RPC is of the opinion that access to the development should not be via a new opening onto the B1383 and supports the proposed entrance via Snowdrop Road.
- (ii) Quendon and Rickling already suffer from a poor drainage and sewerage service. It is essential that the capacity of the existing network is upgraded to accommodate the additional housing.

Please find the following summary of the Parish Council comments and case officers comments

Parish Comments	Case Officer Comments
Little thought for biodiversity	An ecology survey has been carried out and submitted to the council. The Essex County Council ecologist has responded to this.
Lack of permeability	A additional footpath has been provided to the front of the site
Uninspired design that does not reflect local character	The dwellings are in compatible with neighbouring sites
Information Infrastructure	Negotiations for broadband will be made by the developer.
No two bedroom houses	The scale of houses are in accordance with the Strategic Housing Market Assessment.
No electric vehicle charging points	Electric charging points will be provided.

9.0 CONSULTATIONS

The Highways Authority

- 9.1 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, as shown in principle on DWG no. 18/04/03 (proposed site plan), subject to conditions;

Environmental Health

- 9.2 No objection subject to imposition of recommended conditions below to address construction, lighting & land contamination aspects of the proposed development.
Comments

Thank you for consulting Environmental Health on the above application. This is a full application for the development of a greenfield site for 9 dwellings. The site currently forms part of the garden to Foxley House which is located to the west of the site, and is bordered by recently constructed residential developments to the north and south.

Overall, I have not identified any significant environmental factors that in my view would warrant a formal objection to the development of the site for residential purposes. However, there are a number of localised issues that will need to be addressed and which should be conditioned to ensure they are suitably resolved for the final development scheme. I would therefore make the following observations and recommendations in terms of general environmental aspects of the outline application proposal:

Land Contamination

The applicants state that they have submitted a Phase 1 Land Contamination assessment for the site undertaken by Brown2Green Environmental consultants. Unfortunately, I was unable to find a copy of this assessment report with the submitted documents on the planning portal. The accompanying Planning Statement reports that the results of the Phase 1 Desk Top Study did not identify any significant potential contamination risks that warranted further investigation. Our current constraints mapping indicates that there was a former quarry and possible infilled pit some 100m+ to the south of the subject site. The location of the former quarry/pit has now been developed as Ventnor Close and has been subject to its own investigations and remediation strategy, and is therefore not considered to present a significant risk to the application site. Nevertheless, I would recommend that the following condition is attached to any consent granted to address any unexpected contamination risks discovered during the course of development of the site:

Land Contamination – Discovery Condition

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. An assessment of the nature and extent of contamination and the potential risks to human health shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11".

Where remediation is found to be necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 5.

Reason: To protect human health and the environment and to minimise and prevent pollution of the land and the water environment in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework.
Construction Management

The applicants have submitted a very basic Construction Management Plan. Amongst other things, this does not cover the control of environmental factors such as noise & vibration, air quality (including dust), light and odour. In view of the size and scale of the development proposed, a more detailed and comprehensive construction management plan is required covering these environmental aspects together with other key areas for the effective management of the construction project and protection of existing residential occupiers living in close proximity to the development site.

Construction Environmental Management Plan

Prior to the commencement of the development, a detailed Construction Management Plan (CMP) 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 and vibration, air quality and dust, light and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CMP thereafter.

Reason: In the interests of highway safety and the control of environmental impacts
Lighting:

No details of external lighting have been provided with the development. It is important to ensure that any external lighting scheme is suitably designed to prevent adverse impact on neighbouring occupiers from obtrusive or spillover light and/or glare. I would therefore recommend that the following condition is attached to any consent granted.

Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to

any occupation of the development. Only the details thereby approved shall be implemented.

Reason : To protect the amenity of existing neighbouring occupiers of the development from adverse impact as a result of obtrusive or spillover light or glare.

Ecology

- 9.3 No objection subject to securing biodiversity mitigation and enhancement measures. We have reviewed the Preliminary Ecological Appraisal (Greengage, April 2019), provided by the applicant, relating to the likely impacts of development on designated sites, protected & priority species/habitats. We are satisfied that sufficient ecological information is currently available for determination.

This provides certainty for the LPA of the likely impacts on Protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

This includes due diligence regarding nesting birds, hand search for hedgehogs, the creation of a Construction Environment Management Plan (CEMP) and bat sensitive lighting. Therefore, it is recommended that a lighting scheme and CEMP should be submitted as a separate condition of any consent.

We also recommend that precautionary measures should be undertaken for radiating mammals (such as hedgehogs) for this application, which has been outlined via the informative below.

We support the reasonable biodiversity enhancements, which have been outlined within the Preliminary Ecological Appraisal (Greengage, April 2019). This includes wildlife-friendly landscaping, invertebrate features (habitat wall, solitary bee house or log piles) and the installation of bird and bat boxes. This will ensure measurable net gains for biodiversity, which will meet the requirements of Paragraph 170d of the National Planning Policy Framework 2019. This should be secured by a condition of any consent via a Biodiversity Enhancement Plan, prior to commencement.

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

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

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

Recommended Conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Greengage, April 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes, due diligence regarding nesting birds and hand search for hedgehogs.

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 and s40 of the NERC Act 2006 (Priority habitats & species).

2. PRIOR TO COMMENCEMENT: BIODIVERSITY ENHANCEMENT LAYOUT

A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (Greengage, April 2019), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all features 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)

3. PRIOR TO COMMENCEMENT: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

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 technical specification) 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)

4. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

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

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

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 (Priority habitats & species).

Aerodrome Safeguarding

- 9.4 No Objections

Crime Prevention Officer

- 9.5 Whilst there are no apparent concerns with the layout however to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award. From experience pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application.

10 REPRESENTATIONS

- 10.1 19 letters of objections have been received, the following table summarises these comments.

10.2

Increase in car fumes and pollution
Traffic safety impact
Parking issues
No provision of construction management
Cost of upkeep of the road
Noise pollution
The access road is too narrow
Increase in vehicle movements
The private road have no pavements
In close proximity to the park
Poor visibility splays
The dwellings do not provide anything for then community
Construction noise
Loss of privacy
The sizes of the dwellings will not benefit local community
Landscaping should be enhanced
The footpath to the north of the site should be maintained
Drainage issues

- 10.3 All material planning merits will be considered in the following report.

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 H1, S7, ENV13, ENV3) NPPF, Uttlesford Emerging Local Plan, Emerging Newport, Quendon and Rickling Neighbourhood Plan;
- B Design and impact to amenity (Layout and Parking) ULP Policies GEN2, GEN4 and GEN8, Essex Design Guide, UDC Local Residential Parking Standards and the NPPF, Emerging Newport, Quendon and Rickling Neighbourhood Plan;
- C Access to the site (ULP Policy GEN1);
- D Affordable Housing, Education Contributions, Housing Mix (ULP Policies H9, H10, GEN6);
- E Nature Conservation (ULP Policy GEN7);
- F Flood Risk (ULP Policy GEN3);
- G Contaminated Land (ULP Policy ENV14);
- H Any other material considerations

A The principle of the development of this site for residential (ULP Policy S7,ENV13,ENV11, ENV2, ENV3,ENV4 and the NPPF)

- 11.1 The application is for the construction of 9 new dwellings, vehicular access and associated parking and landscaping.
- 11.2 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 the following are considered material considerations:
 - The NPPF.
 - The lack of a 5 year housing supply.
- 11.3 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 (Oct 2019) demonstrate 2.68 years housing supply. In terms of housing delivery, nationally available figures indicate that delivery was 147% over the past 3 years. The Council is therefore unable to demonstrate a deliverable 5 year supply of housing land and due weight must be given to the proposal. This means that due consideration and weight should be applied in regards to the positive role of sustainable development.
- 11.4 ULP Policy GEN2 requires development proposals, inter alia, to be compatible with the scale, form, layout, appearance and materials of surrounding buildings. It also requires development to safeguard important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate. Paragraph 127 of the NPPF states planning decisions should ensure that developments establish or maintain a strong sense of place, using the arrangement of streets spaces, building types and materials to create attractive, welcoming and distinctive places to live.
- 11.5 The scheme is for nine open market dwellings consisting of 5 detached dwellings and 4 semi-detached dwellings. In policy terms the dwellings are outside of the

development limits of Quendon as defined by Uttlesford. Consequently for the purposes of planning, the site is considered to be within the Countryside and subject to all national and local policies

- 11.6 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.
- 11.7 The application site forms part of the emerging local plan (QUE1) and also the emerging Newport, Quendon and Rickling neighbourhood plan. The emerging local plan put forward the land east of Foxley House for the use as residential and for approximately 19 dwellings and detailed proposals should that comply with other relevant policies and meet the following site specific development requirement will be permitted:
1. The development provides for a mixed and balanced community;
 2. Development respects the amenity of existing dwellings adjoining the site;
 3. A Transport Assessment may be required to support a planning application and appropriate access arrangements to be agreed and to the satisfaction of the highway authority;
 4. A Landscape and Visual Impact Assessment will be required and should inform the design and layout of the site proposals;
 5. Development will need to be implemented in accordance with design guidance approved by the Council and other Development Management policies.
 6. Implementation of the proposals will be regulated by legal obligation in association with the grant of planning permissions.
- 11.8 Although the emerging local plan has not been adopted it hold some weight in the assessment of this planning application and consideration will be made in this report.
- 11.9 Due to paragraph 11 of the NPPF and the lack of housing supply this means that applications for sustainable development outside development limits may need to continue to be granted where appropriate to ensure the level of housing supply is robust and provides a continuous delivery of housing. Moreover the proposal should be considered against the three strands of sustainable development including economic, social and environmental.
- 11.10 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.

- 11.11 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 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.
- 11.12 The proposal would provide significant housing benefits, in terms of market provision, as would increasing the population close by to services and community facilities and such benefits would be consistent with the social dimension of sustainable development. The proposed development also provides a mix that is in accordance with the recognised needs of the District. The properties proposed by the development would be attractive to first time buyers and young families, providing housing to support family connections and support a balanced community. It will also result in the delivery of high quality development and landscape preservation.
- 11.13 Although the application site is outside of the development limits it is within close proximity to Rickling Green and Quendon. Some community provisions are provided within Rickling Green such as School and village hall. A bus service is provided along Cambridge Road connecting Saffron Walden and Bishop's Stortford. To the north of the site is a footpath. The proposed scheme will not impact the use of the footpath. Furthermore a new footpath is proposed to the front of the site which will provide the residents of the development with an improved pedestrian access to Cambridge Road and the existing footpath to the north of the site. This will provide improved connectivity with the surrounding area. As such taking into consideration the location of the application site and local provision the development on would comply with the social objective of sustainable development.
- 11.14 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 onto the existing settlement and is a plot of land between exiting residential development. 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 of the scheme.
- 11.15 The site plan submitted with the application demonstrates a layout which will be landscape led, however it is considered further landscaping mitigation will be required to create a significant enhancement to the immediate and surrounding area. In particular, the scheme proposes the enhancement of the existing landscape buffer to the boundary of the site, however a condition should be included for the landscaping details to be agreed prior to the commencement of the development should planning permission be granted.
- 11.16 The landscaping throughout the site would help to screen and contain the development and limit any views of it from outside of the site. The significant areas of landscaping throughout the site would also improve the biodiversity of the site, as confirmed within the submitted Ecological Assessment.
- 11.17 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 developments to the north and south of the site. As such it is considered the proposed landscape and character of the site would be compatible with its surroundings.

- 11.18 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.
- 11.19 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.
- 11.20 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. 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 or introduction of electric powered vehicles.
- 11.21 This site very much nestles into the small settlement and development here would not bring about any notable landscape or visual impact implications in the wider setting. It is considered that proposed development would comply with the environmental objective of sustainable development.
- 11.22 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 in terms of economic, social and environmental features and therefore taking into account the benefits of the proposal it is considered that the principle of the development is acceptable and in accordance with policies.

B Design and impact to amenity (Layout and Parking) (ULP Policies GEN2, GEN4 and GEN8, Essex Design Guide, UDC Local Residential Parking Standards and the NPPF, Emerging Newport, Quendon and Rickling Neighbourhood Plan)

- 11.23 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+. The gardens shown in the submitted plans indicate that they could accord with the requirements of the Essex Design Guide.
- 11.24 The adopted Uttlesford Local Residential Parking Standards require three bedroom dwellings should include two off street parking spaces and four bedroom and above should include three off street parking spaces. It is considered sufficient parking spaces have been proposed and in accordance with these adopted standards. Also

the proposal would need to comply with accessible and adaptable dwellings M4(2) of the Building Regulations 2010. Approved Document M, Volume 1 2015 edition and 2016 amendments. Also in respect to Part M4 (2) paragraph 2.12 relating to car parking, in order to comply with the building regulations, as such this should be conditioned if approved.

- 11.25 A number of the parking spaces are in a tandem design this would be compatible with other large approved residential schemes and although not an ideal parking layout it does not give rise to any concerns in regards to on-street parking. Furthermore, three visitor parking spaces will be provided within the development.
- 11.26 Refuse collection is proposed from within the site, with refuse vehicles travel in forward gear, with room within the site for refuse vehicles to turn and exit the site in forward gear. Each dwelling is within the maximum collection and drag distances prescribed.
- 11.27 In regards to the design and appearance of the development, the dwellings will be of a traditional form and appearance that would be comparable to other local residential developments. 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. The Parish Council have raised concerns in regards to the design of the scheme and makes reference to the Essex Design Guide and the emerging neighbourhood plan. From the plans submitted it is considered the design of the dwellings are appropriate and include a traditional form, appropriate scale and use of materials compatible with the character of the site and its surroundings.
- 11.28 As shown on the submitted plans the proposed dwellings are two storeys, it is considered the dwelling will not be adversely intrusive or dominant in the street scene. 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 Policies GEN2 and GEN8, Essex Design Guide, UDC Local Residential Parking Standards and the NPPF.
- 11.29 ULP Policy GEN2 also considers the impact to neighbouring properties in regards to loss of light, over shadowing, overlooking and loss of privacy. The site plan submitted shows that the proposed dwellings as sited is unlikely to give rise to a significant loss of residential amenity to adjacent dwellings. The shortest separation distance is between Plot 4 and no.14 Hallfield, is approximately 20m. However this is not considered a direct back to back distance. The Essex Design Guide provides guidance that if the angle of the dwelling facing each other are set more than 30 degrees from each other, therefore the distance can be reduced to 15m.
- 11.30 Between the north of the application site and the neighbouring residential development there is significant vegetation and trees which provide further mitigation and privacy between the two sites a landscaping condition should be included to ensure further enhancement is made. As such taking into consideration the details above it is considered the development will not create any loss of privacy that will have a harmful impact to the amenity of existing neighbouring occupiers.
- 11.31 The separation distances between the proposed dwellings and the existing neighbouring dwellings ensure the development will not result in any loss of light, overshadowing that will have a harmful impact to neighbouring occupiers.
- 11.32 The introduction of the dwelling will result in an increase of noise and disturbance,

mainly due to the increase of vehicular movement within the site, that being said this would be consistent to the existing use of the neighbouring site. As such I do not consider the disturbance would be of a significant level that will result in a material harmful impact to the amenity of the existing neighbouring occupiers.

- 11.33 The comments submitted in regards to construction noise and disturbance is noted. The use of a planning conditions in regards to a construction management scheme should 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. As such the proposal is in accordance with ULP Policy GEN4

C Access (ULP Policy GEN1)

- 11.34 Policy GEN1 states that development would only be approved when satisfactory safe access can be provided. The proposal includes access arrangements into the site are from the existing access off Snowdrop Road to the south of the site with additional pedestrian access to the eastern boundary providing a link to the existing network of footpaths along the B1383.
- 11.35 A number of objection have been received by local residents in regards to highway safety and the intensification of the site. The Highways Authority have been consulted and have made no objections subject to the imposition of conditions to mitigate the development. There will be a minimal change in traffic flows on the local highway network in the peak hours as a result of the proposed development, with up to 3 two-way movements during the AM and PM peak periods, therefore, the development would not result in any material highway or safety implications.
- 11.36 No further financial contributions have been requested from the Highway Authority. As long as the condition for provision of footway is included, then there is sufficient provision for pedestrians from the site and therefore a financial contribution is not sufficiently justified in planning terms.
- 11.37 The Highways Authority have carefully considered the information received from the applicant and are 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.

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

- 11.38 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. Given the advice in Planning Practice Guidance (paragraph reference ID: 23b-031-20160519), which states that contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build development, it is not considered that a financial contribution would be required. This is because the application site is below 0.5 hectare and below 10 dwellings, this is confirmed with in planning practice guidance that contributions should not be sought for small scale development of 10-units or less. As such there is no other material circumstances that indicate that it would be justifiable to seek a contribution or provision of affordable housing.
- 11.39 No requests have been made from the Essex County Council's Infrastructure Planning Officer in regards to the requirement of infrastructure contributions and therefore complies with ULP Policy GEN6.

- 11.40 The proposal includes a mix of smaller properties, no objections have been made by the Council's Housing Officer, as such it is considered the proposal accords with ULP Policy H10.
- 11.41 Objections have been received from the Parish Council in regards to the lack of smaller houses, as put forward in the emerging neighbouring plan. The Council's Housing Enabling Officer has not made any objection to the proposed scheme. The proposed mix of 3 and 4 bed homes is pursuant to identified needs within the Strategic Housing Market Assessment which contribute to the new emerging local plan, therefore, the mix is in accordance with the ULP Policy H10 and is meeting local and district wide needs. It should also be noted that the Neighbourhood Plan has little to no weight considering how far in the process this has progressed.

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

- 11.42 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.

- 11.43 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.
- 11.44 Essex County Council Ecologists have been consulted and have no objection subject to a conditions regarding ecological measures. 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)

- 11.45 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.

- 11.46 The main residential development is located in Flood Zone 1 where development is considered appropriate. The application is supported by the submission of a Drainage Statement by Stomor which confirms that the proposed SuDS solutions would be adequate to provide effective flood protection and water treatment for the long term.
- 11.47 Taking into consideration the details submitted with the application it is considered the development accords with ULP Policy GEN3 and the development will not result in any flood risk.

G Contaminated Lane (ULP Policy ENV14)

- 11.48 ULP Policy ENV14 considers the impact of contamination of the site and its impact to the proposed development. Contamination may be present on the site however this is considered low. Nonetheless, there is always a potential risk associated with such commercial sites where made ground may be present. The application is accompanied by a Geo Environmental Site Investigation Report which confirms that the site is free of significant contamination with respect to the proposed development. As such, the report does not identify any significant environmental issues that would prevent the development from being delivered. UDC Environmental Health Officers have been consulted, no objections have been made subject the imposition of a conditions. As such it is considered the development will not result in any harmful impact due to contamination risks and the proposal accords with ULP Policy ENV14.

H Any other material considerations:

- 11.49 The following policies are included in emerging Local Plan submission and therefore have been considered in the assessment of the application; these policies hold some limited weight.

SP3- The scale and distribution of housing development
SP10- Protection of countryside
D1- High quality design
TA1- Accessible development
EN8- Protecting the natural environment
EN17- Air Quality
EN19- Noise sensitive development
H6- Affordable Housing
H2- Housing Mix
INF1 Infrastructure Delivery
EN18- Contaminated land
EN10- Open spaces

12 CONCLUSION

- A It is considered that the weight to be given to the requirement to provide a 5 year land supply and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7. Therefore it is considered that planning permission should be granted for the development. The development of the site as residential is included in the emerging Local Plan and emerging Neighbourhood Plan, which is a material consideration.

- 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 complies with Policies GEN2 and GEN8. The housing mix for the development is also considered 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).
- D The proposal would not be harmful to protect/priority species subject to recommended mitigation and compensation measures being conditioned and implemented (ULP Policy GEN7).
- E The submitted layout plan shows that impacts on residential amenity are likely to be insignificant (ULP Policies GEN2 and GEN4).

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

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

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

- Walls
- Roof
- Windows
- Doors

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

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

- 3 The development shall be carried out in complete accordance with the recommendations contained within the following documents submitted in support of the application as hereby approved:

- i. Access Statement by Stomor April 2019
- ii. Drainage Statement by Stomor April 2019
- iii. Arboricultural Impact Assessment Report by Sharon Hosegood Associates – 26th April 2019

REASON: In order to achieve satisfactory development of the site in accordance with ULP Policy GEN1, GEN3, ENV3, GEN2 of the Local Plan.

- 4 All ecological mitigation and enhancement measures and/or works shall be carried

out in accordance with the details contained in the Ecological Appraisal by Greengage – April 2019, as submitted with the planning application and agreed with the local planning authority.

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 and s17 Crime & Disorder Act 1998 and in accordance with ULP Policies GEN7.

- 5 Within 3 months of commencement of development full details of hard and soft landscaping in accordance with the submitted Arboricultural Impact Assessment Report and Proposed Site Plan 18/04/03 shall have been submitted to and approved in writing by the local planning authority.
All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons.

If within a period of two years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub or plant of the same species and size as originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complimentary, and to ensure a satisfactory appearance to the development, in accordance with the guidance contained within the National Planning Policy Framework and Policies S7 and GEN2 of the adopted Local Plan.

- 6 Within 3 months of commencement of development a Landscape Management Plan, including long term design objective, management responsibilities and maintenance schedules for all landscape areas, other than, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.

REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act of 1990, so as to ensure that the amenity to be provided by the new landscaping is achieved and safeguarded, and to ensure a satisfactory appearance to the development, in accordance with the guidance contained within the National Planning Policy Framework and policies S7 and GEN2 of the adopted Local Plan.

- 7 Prior to occupation of any dwelling, a 2-metre footway shall be provided from the development northwards along the B1383 Cambridge Road to allow for pedestrian access to the existing footway network and public footpath, as shown in principle on drawing number ST-2875-04. For the avoidance of doubt the footway will extend to the junction with Hatfield Road and include provision of a 2m width footway from the for its full extent. The approved scheme shall be carried out in its entirety, prior to occupation.

REASON: In the interest of pedestrian safety and accessibility and in accordance with ULP Policy GEN1.

- 8 Prior to occupation of the development, improvements to the bus stop infrastructure

on B1383 Cambridge Road within the immediate vicinity of the site, including the provision of raised kerbs at both stops and a flag and pole at the southbound stop. The improvements scheme, to be approved by the Local Planning Authority in consultation with the Highway Authority, shall be implemented prior to first occupation.

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

- 9 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 and in accordance with ULP Policy GEN1.

- 10 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 and in accordance with ULP Policy GEN1.

- 11 Prior to occupation of the development, improvements to the bus stop infrastructure on B1383 Cambridge Road within the immediate vicinity of the site, including the provision of raised kerbs at both stops and a flag and pole at the southbound stop. The improvements scheme, to be approved by the Local Planning Authority in consultation with the Highway Authority, shall be implemented prior to first occupation.

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

- 12 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. An assessment of the nature and extent of contamination and the potential risks to human health shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11".

Where remediation is found to be necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority

REASON: To protect human health and the environment and to minimise and prevent pollution of the land and the water environment in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework and ULP Policy ENV14.

- 13 Prior to the commencement of the development hereby approved a detailed Construction Management Plan (CMP) 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 and vibration, air quality and dust, light and odour.
 - k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CMP thereafter.

REASON: In the interests of highway safety and the control of environmental impacts in accordance with ULP Policies GEN2, GEN1.

- 14 Prior to the occupation of the development hereby approved details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to any occupation of the development. Only the details thereby approved shall be implemented.

REASON: To protect the amenity of existing neighbouring occupiers of the development from adverse impact as a result of obtrusive or spill-over light or glare and in accordance with ULP policy GEN2.

- 15 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Greengage, April 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes, due diligence regarding nesting birds and hand search for hedgehogs.

REASON: To conserve Protected and Priority species and allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with ULP Policy GEN7.

- 16 Prior to commencement a biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (Greengage, April 2019), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all features 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) and in accordance with ULP Policy GEN7.

- 17 Prior to the occupation of the development hereby approved alighting 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 technical specification) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

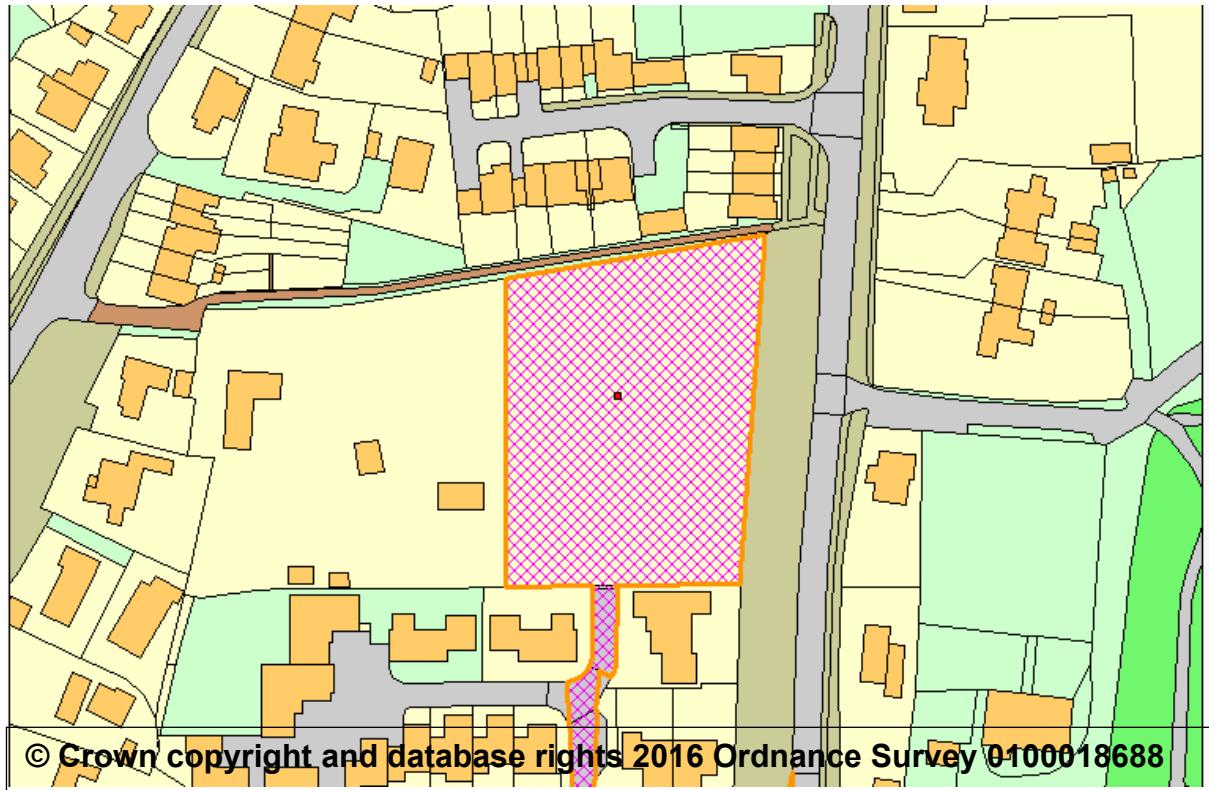
- 18 Prior to the commencement of the development hereby approved A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following;

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

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

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 (Priority habitats & species).



Organisation: Uttlesford District Council

Department: Planning

Date: 18th October 2019

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Agenda Item 10

UTT/19/1527/FUL - HATFIELD BROAD OAK

PROPOSAL:	The proposal is for the subdivision of existing detached dwelling and erection of new single storey side extension to create 1 no. four bedroom and 1 no. three bedroom dwellings and change of use/conversion of existing coach house/outbuilding to create 1no. two bedroom dwelling
LOCATION:	Great Chalks, High Street, Hatfield Broad Oak, CM22 7HQ
APPLICANT:	Foxley Group Ltd
AGENT:	Mr P Cavill
EXPIRY DATE:	12th September. Extension of time 20th October 2019
CASE OFFICER:	Madeleine Jones

1. NOTATION

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

2. DESCRIPTION OF SITE

- 2.1 Great Chalks is located south of the High Street. It is a substantial red brick dwelling and has a symmetrical frontage with three gabled projections. There is a detached outbuilding to the west. This has a brick elevation with a gabled parapet onto the street and white weatherboarding on the long elevation.
The High Street at this section is predominantly of Georgian character. Great Chalks currently has hoarding to the front boundary.
- 2.2 There is an existing vehicular access point into the site from the High Street. The entrance is gated. The frontage of Great Chalks has metal railings beyond a shallow front garden.
- 2.3 To the east of Great Chalks is a small single storey store.
- 2.4 There is a large garden to the rear of Great Chalks

3. PROPOSAL

- 3.1 The proposal is for the subdivision of existing detached dwelling and erection of new single storey side extension to create 1 no. four bedroom and 1 no. three bedroom dwellings and change of use/conversion of existing coach house/outbuilding to create 1no. two bedroom dwelling
- 3.2 The proposal would include the erection of a single storey side extension to form a new entrance and kitchen to serve plot 1. The existing cellar would be converted into a games and cinema room.
- 3.3 Both properties would have parking provided in the car port approved under

UTT/18/0386/FUL located to the east of the driveway, set back from the property. A further parking space would be created to the north of the car port.

- 3.4 The existing metal railings to the frontage would remain.
- 3.5 The rear gardens would have 1.8 close boarded fencing to the rear boundary and a new brick wall to the western boundary
- 3.6 The conversion of the outbuilding would provide a two bedroom dwelling.
- 3.7 A private garden would be provided to the rear which would be enclosed with black 1.2m estate rail fencing and hedging.
- 3.8 Parking for the 2 bed dwelling would be provided within the car port approved under UTT/18/0386/FUL
- 3.9 The plans have been revised and now would consist of a new window to be inserted to the northern elevation of the outbuilding and alterations to the fenestration to the front of the building
- 3.10 The conversion would also include rooflights to the rear of the roof of the converted outbuilding

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. APPLICANT'S CASE

- 5.1 The application is supported by a Design and Access/Heritage Statement ,an Arboricultural Report, completed Biodiversity checklist, Ecological Assessment, a Bat Survey and a Transport Assessment,

6. RELEVANT SITE HISTORY

- 6.1 UTT/18/0386/FUL: Demolition of existing out buildings and erection of eight detached dwellings and a block of garages. Conditional approval: 29.05.2019
- 6.2 UTT/19/1320/DOC: Application to discharge Conditions 3 (Natural England Licence) and 5 (Biodiversity Enhancement Strategy) attached to UTT/18/0386/FUL dated 29.5.2019. Discharged in full
- 6.3 UTT/19/1861/DOC: Application to discharge Conditions 6-8 Archaeology), attached to UTT/18/0386/FUL dated 29.5.2019. Discharged conditions in full.
- 6.4 UTT/19/1524/FUL: Erection of detached three bedroom chalet bungalow. Pending consideration.

7. POLICIES

Uttlesford Local Plan (2005)

ULP Policy S3 – Other Settlement Boundaries

ULP Policy H9 – Affordable Housing
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN3 – Flood Risk
ULP Policy GEN4 – Good neighbourliness
ULP Policy GEN7 – Natural Conservation
ULP Policy GEN8 – Vehicle Parking Standards
ULP Policy ENV1 – Design of development within Conservation Areas
ULP Policy ENV2 – Listed buildings
ULP Policy ENV13 – Exposure to poor air quality.
ULP Policy ENV3 – Open spaces and trees.
ULP Policy ENV4 – Sites of Archaeological Importance

Supplementary Planning Documents/Guidance

SPD – Accessible Homes and Playspace

Uttlesford Local Parking Standards.

ECC Parking Standards

National Policies

National Planning Policy Framework (NPPF) (February 2019)

Other Material Considerations

National Planning Policy Guidance (NPPG)
Essex Design Guide
Hatfield Broad Oak Conservation Report.
Local Heritage List

8. PARISH COUNCIL COMMENTS

- 8.1 I write as the planning lead for Hatfield Broad Oak Parish Council and wish to confirm the council's objection to the additional applications listed above. These applications must be considered together as they are an attempt to obtain further permissions by insidious incrementalism.
We have no objection in principle to the subdivision of the Great Chalks house itself into two residential units, however the addition of a further dwelling in what were the grounds of the house is quite simply the over development the planning committee was keen to avoid.
Likewise the now intention to turn the building known as the coach house into a dwelling is following the path of trying to increase the density of development by insidious means.
The planning permission for any development at all on the Great Chalks estate was a hugely contested application, with objections from the District Councillors and High Street residents groups. Great Chalks was regarded as the green and open breathing heart of our village, which has been devastated by the permission granted only on the casting vote of the planning committee chairman.
The objections to the original application included the protected open space nature of the site, the proposed over-development and the excessive traffic congestion the development would induce on our already blocked High Street. These reasons remain as valid planning reasons for refusing these applications.

A further crucial factor is the assurance by officers at the original hearing that if application was allowed at all on this site that the limit would be the eight dwellings applied for and that no further development would be allowed on this site. Having obtained the original permission these further applications are simply an attempt to add further properties to the site and is just the kind of insidious incrementalism UDC has sought to identify and route out in the past and we have trust that officers and the planning committee will be aware and maintain resistance to such tactics by refusing both of these applications.

9. CONSULTATIONS

MAG London Stansted Airport

- 9.1 We have no aerodrome safeguarding objections to the proposal.

ECC Highways

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

ECC Ecology

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

We have reviewed the updated Bat Survey Report (CSA Environmental, June 2019) relating to the likely impacts of development on protected species, particularly bats. We are 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.

This includes precautionary working measures for bats during internal works to the Main House, installation of bat suitable roofing membranes in the renovated Coach house, and bat sensitive lighting. Therefore, it is recommended that a lighting scheme should be submitted as a condition of any consent. This should follow the Institution of Lighting Professionals Guidance Note 8 Bats and artificial lighting (September 2018). We also support the proposed reasonable biodiversity enhancements, which have been outlined in the updated Bat Survey Report (CSA Environmental, June 2019). This includes the installation of a minimum of three additional bat access tiles within the renovated Coach house.

These proposals will ensure measurable net gains for biodiversity, which will meet the requirements of Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured as a condition of any consent, prior to slab level.

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

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Conservation Officer

- 9.4 The proposed subdivision of existing detached dwelling and single storey side extensions is supportable subject the comments made below.
Revisions are required to the conversion of the coach house to make application

supportable.

Hatfield Broad Oak conservation area which is a designated heritage asset Great Chalks is a non-designated heritage asset (building on the local heritage list) The conservation area has kept the strong visual appearance of a historic settlement. It has retained its nodal medieval street plan centred on the location of the former market place and the Priory which are no longer visible. It has a varied and high-quality building stock dating back to late and early post medieval period. The historic centre is divided into four broad character areas.

Great Chalks is located between Brick Cottage and Coach House. The property is on the local heritage list It is a large three storey house with a stable block and built as a rectory between 1837 and 1841. The property is set back from the road with a shallow depth front garden.

The proposed subdivision of the existing dwelling is considered to be supportable as there is minimal loss of fabric of significance.

The proposed single storey side extension will improve on the existing timber store and will improve the overall appearance.

The conversion of the existing coach is acceptable subject to relocation of the rooflight to the rear roof slope. This will retain the overall appearance of the ancillary building in this case a coach house when viewed from the public domain.

The proposals would preserve the architectural and/or historic interest of the locally listed building and therefore complies with sections 16/66 of the Act.

The proposals would preserve the character and/or appearance of the conservation area and therefore complies with section 72 of the Act.

The proposal would cause no harm to the significance of the heritage asset.

For the reasons given above it is felt that in heritage terms:

The application should be approved subject to the rooflights to the coach house being relocated to rear roof slope.

Natural England

- 9.5 No comment

NATS Safeguarding

- 9.6 NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

UK Power Networks

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

Specialist Archaeological Advice

- 9.8 No conversion or preliminary groundwork's of any kind shall take place until the applicant has secured and implemented a programme of archaeological building recording in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority
The Essex Historic Environment Record (EHER) identifies the buildings proposed for conversion as a historic workhouse with outbuildings within the centre of Hatfield Broad Oak. The workhouse is recorded on the EHER as opening in 1711 by the vestry. Cartographic evidence identifies the building as 'The Vicarage', evident on the First Edition Ordnance Survey map of 1875. The earliest cartographic evidence however shows the vicarage building's outline on the Chapman and Andre map of

1777 but the workhouse itself had moved by 1766. It is therefore recommended that prior to development the building proposed for conversion is 'preserved by record' through archaeological survey.

A recognised professional team of archaeologists should undertake the recording work. The work will consist of a building record being made of all the buildings proposed for alterations. An archaeological brief can be produced from this office detailing the work required.

10. REPRESENTATIONS

- 10.1 This application has been advertised and neighbouring properties notified. 31 representations have been received. Expiry date 30th August 2019. Following revised plans being submitted the expiry date was extended to 6th September 2019
- 10.2 Summary of the issues raised are:

Impact on character of the conservation Area

Impact on ecology, flora and fauna (including bats and great crested newts). Trees that had TPO's have been damage removed or compromised deliberately all in contravention of the existing planning permission and all without the council's officers intervening and the destruction of habitat of some precious species of animals from the site. The badgers lived in the garden for the entire 3 years we were there. Their tracks were plain to see and they loved the apples in the orchard and paddock. It's good to see that the house will get a makeover but the wildlife must be protected

Pollution

Traffic congestion

Highway safety – vehicular and pedestrian. It is not unreasonable to imagine that anyone dwelling in these properties will want to park or at least unload outside of the properties, in space which formed an important part of the original application for cars to pass side by side as they enter / exit the Great Chalks development.

This would seriously impact traffic flow through the village as it would cause congestion at the Great Chalks entrance with cars having to wait in the High ST to enter the site.

Access for Emergency Vehicles: During the daily congestion, especially school hours, these vehicles could have difficulty in reaching their destination because of increased traffic from the Great Chalks development

While Plot 2 house can access their garage via their back garden, Plot 1 house can't. Given the pressure of parking on the High Street, I would suggest that Plot 1 be given rear access to their garage and parking space otherwise in reality they will park on the High Street for convenience, adding to existing congestion.

Parking issues – lack of parking for new dwellings and visitors. There has been a 50% increase in number of dwellings (from 8 to 12) for this same location, and yet there has been NO increase in the provision of parking spaces from the original application last year.

No extra visitor parking

It would be better for the outbuilding to remain as a garage for the main house Although not itself listed, the barn is included on the UDC Local Heritage List and is within the HBO Conservation Area and makes up one boundary wall of the listed building, Brick House.

Approaching Hatfield Broad Oak from the East, this Coach House frames the quintessential view of the High Street, looking towards Rundle House with its crooked arch, the Village Pump, Cock Inn & Village stores.

Although these proposed dormers are side-on to the road, they would be extremely visible at a key vista point. Two large dormers here on a single storey building would be overbearing, intrude on the surrounding listed buildings, and have a detrimental

effect on the neighbouring conservation area.

Out of character with surrounding buildings. There are very few dormers in roofs along Hatfield Broad Oak's High St and these are small scale & proportionate sitting as they do high up within the roofs of 2 storey buildings

I respectfully ask the Committee to adhere to the premise that the original application was the maximum number of new dwellings, that no additional dwellings should be allowed on the same site and so this unsustainable development should be refused. The original plans were for the former coach house to be sympathetically restored to be used for storage for the main house.

This small building has no current window onto the street, nor does it seem to have ever had. To put a new window into this building and to put dormers in would change its whole demeanour and alter the conservation aspect of the High Street.

The amendments made to change dormers to conservation roof lights do nothing to change the fact that this Coach house was always deemed to be a garden store on the original plans.

The facts remain that it will be out of character to the centre of the village to change this old stable

By not including this in the first application to build 8 houses, but adding it by piecemeal later shows how much this original application hung in the balance.

There are many things shown on this plan which are simply untrue, no existing window on the front just a hayloft sealed wooden door and no existing window on the south side. This misrepresentation has been added to make it more acceptable.

Overlooking

Overdevelopment

The proposed change will have a detrimental impact on our historic village centre and conservation area that will never be retrieved.

Inadequate infrastructure

Unsustainable. Detrimental impact on utilities, water, electric supply and sewage network

The site is currently unkempt and an eyesore as the contractor does not clean the roads of debris or keep the hoarding designed to minimise impact on the high street to the required standard.

Flooding

Bin Collection: Will bin lorries enter the new development? If not, where will bins be placed on collection day?

Lack of affordable housing. When and where will these much needed houses be built
The Case Officer previously stated that no additional dwellings would be allowed even with a subsequent planning application request

Impact on setting of surrounding Listed Buildings. The request for 2 large dormers on the East side which are large in scale and will be visible from the street are inappropriate for the location. Although not itself listed, the barn is included on the UDC Local Heritage List and is within the HBO Conservation Area and makes up one boundary wall of the listed building, Brick House.

Materials used for the roof are not in keeping, there is no mention of keeping and reclaiming any original peg tiles.

There is no access to the east side of the Coach house to build or maintain it as that is on our property.

The addition of yet another three dwelling without adequate parking could drastically undermine the fabric of this protected medieval environment.

There has been one representation in support of the application.:

I support the development of Great Chalks house and the Coach House as I feel this is the final piece of the jigsaw. This will enhance the street scene of our High Street. I

feel that if the residents complaining took the trouble to visit previous developments by Foxley Builders they will see the high standards and sympathetic developments and that would allay any fears.

11. APPRAISAL

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

- A Whether the principle of the conversion and subdivision are acceptable in this location (NPPF and ULP policies S3, H3,H5, H6, ENV3)
 - B Design, scale and impact on neighbour's amenity and impact on character and setting of adjacent Listed Buildings and character of the Conservation Area. (ULP Policies GEN2, ENV2, ENV1, ENV3; ENV13 NPPF & SPD Accessible Homes and Playspace);
 - C Highway safety and parking provision (ULP Policies GEN1 & GEN8 & SPD: Parking Standards: Design and Good Practice);
 - D Biodiversity (ULP Policy GEN7; NPPF)
 - E Affordable Housing (ULP Policies H9, GEN6)
 - F Flood risk and drainage (ULP policy GEN3; NPPF)
 - G Other material planning considerations
- A Whether the principle of the conversion and subdivision are acceptable in this location (NPPF and ULP policies S3, H3,H5, H6, and ENV3)**
- 11.1 S70 (2) of the Town and Country Planning Act 1990 states that "in dealing with a planning application the local planning authority shall have regard to the provisions of the Development Plan so far as is material to the application and to any other material considerations". S38 (6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF reiterates this requirement and confirms that the NPPF is a material planning consideration.
 - 11.2 The site is within Development limits where policy S3 states that development will be permitted if the development would be compatible with the character of the settlement and its countryside setting. The draft regulation 19 plan also includes the site within the development limits of Hatfield Broad Oak. Policy H3 also states that infilling with new houses will be permitted within development limits if the development would be compatible with the character of the settlement.
 - 11.3 Policy H5 of the adopted Local Plan states that the subdivision of dwellings into two or more units will be permitted if the character of the area would not adversely be affected.
 - 11.4 Paragraph 79 of the NPPF also supports the re-use of redundant or disused buildings if the development would enhance its immediate setting and also when the development would involve the subdivision of an existing residential dwelling.
 - 11.5 The site is in a sustainable location with regard to its location in terms of access to services, facilities and public transport links. The location of the site is within walking distance to the local primary school, the village shop, church, doctor's surgery, pub and bus stops.
 - 11.6 The proposal would deliver two dwellings and as such the proposal would make a

contribution towards the delivery of the housing needed in the district.

- 11.7 Part of the site to the rear of Great Chalks is under the current Adopted Local Plan identified as protected open space of environmental value. Policy ENV3 states: *The loss of traditional open spaces, other visually important spaces, groups of trees and fine individual tree specimens through development proposals will not be permitted unless the need for the development outweighs their amenity value.* Although the Regulation 19 draft local plan has limited weight at this time, it is however, proposed to remove this designation in the current draft regulation 19 Local Plan. The removal of the protected open space designation has been made in the light on the assessment of the site through the Strategic Land Availability Assessment (reference 05HBO15). The SLAA states “The site is considered suitable because Hatfield Broad Oak is a Type A village and the site is in close proximity to the services and facilities. Subject to the retention of the protected trees and character of the conservation area being protected and enhanced, this is considered a suitable site for development.” The SLAA concludes that, “The site is available and suitable and development is achievable subject to the retention of the protected trees and character of the conservation area being protected and enhanced. This application does not include any built form within the protected open space of environmental value, however it is considered that permitted development rights for the proposed dwellings should be removed to prevent overdevelopment.
- 11.8 Several comments have been received objecting to the proposal on overdevelopment grounds and that previously it was stated that no further development would be allowed on the site., however this application is for subdivision and conversion of existing buildings on the site and their conversions would comply with policies S3, H3,H5, H6, and ENV3.
- 11.9 In view of the above it is considered that the principle of development of the site is acceptable subject to other policy constraints.
- B Design, scale and impact on neighbour's amenity and impact on character and setting of adjacent Listed Buildings and character of the Conservation Area. (ULPPolicies GEN2, ENV2, ENV1, ENV3; ENV13 NPPF & SPD Accessible Homes and Playspace);**
- 11.10 Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale form, layout and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate. Policy GEN2 also states that development will not be permitted if it would have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing. The development has been designed to minimise the potential for overshadowing or overbearing impacts.
- 11.11 The site is also within the conservation area of Hatfield Broad Oak and there are listed buildings adjacent and opposite the site. Policy ENV1 states that development will be permitted where it preserves or enhances the character and appearance of the essential features of a conservation Area, including plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain or significant natural or heritage features
- 11.12 Policy ENV2 states: that development will not be permitted if it would adversely affect

the setting of a listed building. Great Chalks is not listed, however there are several listed dwellings along the High Street and Cage End. A further material consideration is that Great chalks is included wthin the local Heritage List. The proposal would cause no harm to the significance of the heritage asset Great Chalks in accordance with paragraph 197 of the NPPF. The Local Heritage List document contains a list of structures and other assets

which are considered to be locally significant to the character of the area. Assets were identified as part of the conservation area appraisals and conservation management plans, as well as those nominated by the public. Each was assessed and had to meet a set selection criteria to be included on the list. Those selected are different to those which are identified by Historic England and included on the National Heritage List. The purpose of the list is to identify historically and locally important structures across the district, and celebrate their significance and contribution to the local distinctiveness of Uttlesford. The document states that the railings and walls to the front boundary of Great Chalks are of particular interest. As part of this proposal, the railings would be retained. The only changes to the exterior of Great Chalks are quite minor. The existing side extension would be demolished and it would be replaced with a single storey extension to create an entrance porch to serve plot 1and a kitchen.

- 11.13 In terms of environmental sustainability, it is acknowledged that development on any brownfield site would have an impact on the landscape character of the area.
- 11.14 With regards to the conversion of the detached outbuilding, following several comments relating to the proposed dormer windows, and officers concerns regarding the extent of glazing to the frontage, revised plans have been submitted. The dormer windows have been replaced with rooflights and the excessive glazing reduced. Soft landscaping is proposed to the eastern boundary of plot 3's rear garden. Several comments have also been made in relation to the window to the front elevation of plot 3 in relation to impact on character of Conservation Area and also in respect of overlooking of properties on the opposite side of the road. At present the existing elevation is of brick and render and is void of any openings. The new window would serve an ensuite bathroom which therefore can be conditioned to be obscure glazed to prevent any overlooking of neighbouring properties. It is not considered that the window would be so detrimental to the character of the area to warrant refusal of the proposal.
- 11.15 Specialist conservation advice has been sought and she states that she supports the proposed subdivision of the existing dwelling as there is minimal loss of fabric of significance. She also considers that the proposed single storey side extension would be an improvement on the existing timber store. The conversion of the existing coach house is acceptable subject to relocation of the roof light to the rear roof slope. This would retain the overall appearance of the ancillary building in this case a coach house when viewed from the public domain. Further revised plans have been submitted moving the roof lights to the rear elevation of the roof.
- 11.16 All of the plots 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 accord with the requirements of the Essex Design Guide
- 11.17 The design of the dwellings is considered to be appropriate for this location. A landscape buffer has been incorporated into eastern boundary of the rear garden of plot 3 and further planting between the car port and the frontage.

11.18 With the revisions submitted it is now considered that the proposal would comply with policies GEN2, ENV1, ENV2 and ENV3.

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

11.19 The subdivision would create a four bedroom dwelling and three bedroom dwellings and the change of use/conversion of existing coach house/outbuilding would create a two bedroom dwelling. The adopted UDC parking standards require the provision for one parking space for a one bedrooomed dwelling, two parking spaces per dwelling for two and three bedroom dwellings and three parking spaces for three+ bedrooomed properties and additional visitor parking spaces. Plot one would have three parking spaces, plot 2 would have two parking spaces and plot 3 would have two parking spaces. There would also be one visitor parking space provided over and above the 6 provided under UTT/18/0386/FUL. Each property meets the required parking standards.

11.20 The access has already been approved under UTT/18/0386/FUL. Several comments have been received in respect of highway safety and relating to congestion. Accordingly Essex County Council Highways have been consulted and they have no objections subject to conditions.

The proposals comply with Policy GEN8 and GEN1.

D Biodiversity (ULP Policy GEN7; NPPF)

11.21 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. A bat survey, arboricultural report and completed biodiversity checklist report has been submitted with the application. The applicants have submitted an arboricultural report. There are errors within the report eg it refers to UTT/18/0386/FUL as development of 7 dwellings, when in fact it was for 8 dwellings.

Specialist ecology advice is that they have no objections subject to securing biodiversity mitigation and enhancement measures. This includes precautionary working measures for bats during internal works to the Main House, installation of bat suitable roofing membranes in the renovated Coach house, and bat sensitive lighting. This can be obtained by the use of suitable conditions. The proposal also includes installation of a minimum of three additional bat access tiles within the renovated Coach house. These proposals will ensure measurable net gains for biodiversity, which will meet the requirements of Paragraph 170d of the National Planning Policy Framework 2019.

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

E Affordable Housing (ULP Policies H9, GEN6)

11.22 There is no policy requirement for the provision of affordable housing in respect of subdivision of dwellings or conversions of outbuildings.

F Flood risk and drainage (ULP policy GEN3; NPPF)

11.23 Policy GEN3 requires development outside flood risk areas to not increase the risk of

flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere. The site is located within Flood Zone 1, therefore is a site with the lowest risk of flooding (more than 1 in 1000 years).

G Other material planning considerations

- 11.24 There is a further application pending for a dwelling to the south of the application site. It is not considered that if that application were to be approved that this application would be unacceptable.
- 11.25 Representations have been received in respect of potential harm in respect of air pollution. The site is not in an area currently monitored for air quality (AQMA) and therefore it is not considered likely that the proposal of this scale would result in unacceptable air quality issues proposal would comply with ULP policy ENV13.

12. CONCLUSION

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

- A** The site is located within development limits of Hatfield Broad Oak. Policy H5 of the adopted Local Plan states that the subdivision of dwellings into two or more units will be permitted if the character of the area would not adversely be affected. The principle of residential development at this site is acceptable.
- B** The design is considered to be broadly in keeping with the character of the village and adjacent Conservation Area. It has been designed to protect the character and setting of the adjacent Listed Buildings and would have no material detrimental impact on neighbours amenity.
- C** Sufficient parking provision has been provided to meet the adopted parking standards. The proposal would comply with ULP polices GEN1 and GEN8.
- D** It is not considered that the proposal would have any material detrimental impact in respect of protected species to warrant refusal of the proposal and accords with ULP policy GEN7
- E** There is no policy requirement for the provision of affordable housing in respect of subdivision of dwellings or conversions of outbuildings.
- F** The site is located within Flood Zone 1, therefore is a site with the lowest risk of flooding
- G** It is not considered likely that the proposal of this scale would result in unacceptable air quality issues

RECOMMENDATION – 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 in accordance with ULP Policy GEN7

2. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the updated Bat Survey Report (CSA Environmental, June 2019) 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) in accordance with Uttlesford Local Plan Policy GEN7.

- 3 Prior to slab level a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
 - a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Uttlesford Local Plan Policy GEN7

- 4 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 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

- 5 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on DWG no. 2723-101 (April 2019), shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.

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

- 6 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by,

- the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities

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

- 7 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

8. No conversion or preliminary groundwork's of any kind shall take place until the applicant has secured and implemented a programme of archaeological building recording in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

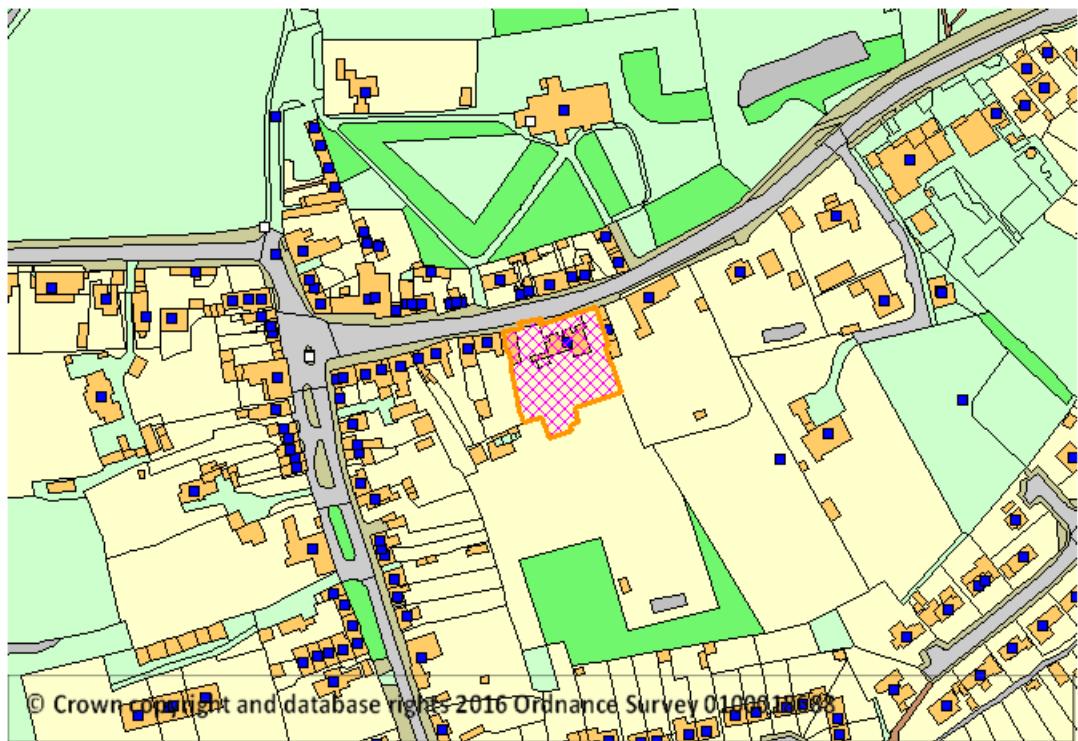
REASON: The Essex Historic Environment Record (EHER) identifies the buildings proposed for conversion as a historic workhouse with outbuildings within the centre of Hatfield Broad Oak. The workhouse is recorded on the EHER as opening in 1711 by the vestry. Cartographic evidence identifies the building as 'The Vicarage', evident on the First Edition Ordnance Survey map of 1875. The earliest cartographic evidence however shows the vicarage building's outline on the Chapman and Andre map of 1777 but the workhouse itself had moved by 1766. In accordance with Uttlesford Local Plan policy ENV4

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Class A or Class E of Part 1 of Schedule 2 of the Order shall take place on the site (as indicated by the red line on the Location Plan) without the prior written permission of the local planning authority.

REASON: To prevent the site from overdevelopment in this rural area in accordance with ULP policy S7.

10. The window in the front elevation of the converted outbuilding shall be obscure 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 window.

REASON: To avoid overlooking of the adjacent property in the interests of residential amenity in accordance with ULP policy GEN2.



Organisation: [Uttlesford District Council](#)

Department: Planning

Date: 04 October 2019

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UTT/19/1524/FUL - HATFIELD BROAD OAK

PROPOSAL: Erection of detached three bedroom chalet bungalow.

LOCATION: Great Chalks, High Street, Hatfield Broad Oak, CM22 7HQ

APPLICANT: Foxley Group Ltd

AGENT: Mr P Cavill

EXPIRY DATE: 12th September. Extension of time 20th October 2019

CASE OFFICER: Madeleine Jones

1. NOTATION

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

2. DESCRIPTION OF SITE

- 2.1 The site forms part of the rear garden of Great Chalks which is located south of the High Street. Great Chalks currently has hoarding to the front boundary. Great Chalks is a substantial red brick dwelling and has a symmetrical frontage with three gabled projections. There is a detached outbuilding, side onto the road, which has a brick front with a gabled parapet to the street and white weatherboarding on the long elevation. Works have commenced on the recently approved 8 dwellings to the south of the site. The High Street at this section is predominantly of Georgian character.
- 2.2 There is an existing vehicular access point into the site from the High Street.
- 2.3 Works have commenced on the recently approved 8 dwellings (under planning application UTT/18/0386/FUL) to the south of the site.
- 2.4 There are mature trees to the south eastern boundary, site frontage and north of the proposed dwelling.

3. PROPOSAL

- 3.1 The proposal is for the erection of a detached three bedrooomed chalet bungalow
- 3.2 The elevations of the dwelling would be a mixture of black stained timber boarding and red clay facing bricks. The roof would be clad in heritage red/brown plain clay tiles
- 3.3 Two parking spaces would be provided to the front of the dwelling, adjacent to the south western boundary.
- 3.4 Amenity space of 345 sq m would be provided to the north of the dwelling and this would be separated to the Great Chalks rear garden by a 1.8m willow panel fencing.

- 3.5 The southern boundary would have beech hedging and the rear (eastern boundary) has existing timber fencing.
- 3.6 The access would be shared with the recently approved 8 dwellings approved under application UTT/18/0386/FUL and the existing Great Chalks 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.

5. APPLICANT'S CASE

- 5.1 The application is supported by a Design and Access/Heritage Statement ,an Arboricultural Report, completed Biodiversity checklist, Ecological Assessment, and a Transport Assessment,

6. RELEVANT SITE HISTORY

- 6.1 UTT/18/0386/FUL: Demolition of existing out buildings and erection of eight detached dwellings and a block of garages. Conditional approval: 29.05.2019
- 6.2 UTT/19/1527/FUL: Subdivision of existing detached dwelling and erection of new single storey side extension to create 1no. four bedroom and 1no. three bedroom dwellings and change of use/conversion of existing coach house with new dormer windows to create 1no. two bedroom dwelling. Pending consideration.
- 6.3 UTT/19/1320/DOC: Application to discharge Conditions 3 (Natural England Licence) and 5 (Biodiversity Enhancement Strategy) attached to UTT/18/0386/FUL dated 29.5.2019. Discharged in full
- 6.4 UTT/19/1861/DOC: Application to discharge Conditions 6-8 Archaeology), attached to UTT/18/0386/FUL dated 29.5.2019. Discharged conditions in full.

7. POLICIES

Uttlesford Local Plan (2005)

ULP Policy S3 – Other Settlement Boundaries
ULP Policy H4 – Backland development
ULP Policy H3 - New houses within Development Limits.
ULP Policy H9 – Affordable Housing
ULP Policy ENV3 – Trees and Open Spaces
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN3 – Flood Risk
ULP Policy GEN4 – Good neighbourliness
ULP Policy GEN7 – Natural Conservation
ULP Policy GEN8 – Vehicle Parking Standards
ULP Policy ENV1 – Design of development within Conservation Areas
ULP Policy ENV2 – Listed buildings

Supplementary Planning Documents/Guidance

SPD – Accessible Homes and Playspace

Uttlesford Local Parking Standards.

National Policies

National Planning Policy Framework (NPPF) (February 2019)

Other Material Considerations

National Planning Policy Guidance (NPPG)

Essex Design Guide

Hatfield Broad Oak Conservation Report.

Local Heritage List

Draft Local Plan Regulation 19

8. PARISH COUNCIL COMMENTS

- 8.1 I write as the planning lead for Hatfield Broad Oak Parish Council and wish to confirm the council's objection to the additional applications listed above. These applications must be considered together as they are an attempt to obtain further permissions by insidious incrementalism.
We have no objection in principle to the subdivision of the Great Chalks house itself into two residential units, however the addition of a further dwelling in what were the grounds of the house is quite simply the over development the planning committee was keen to avoid.
Likewise the now intention to turn the building known as the coach house into a dwelling is following the path of trying to increase the density of development by insidious means.
The planning permission for any development at all on the Great Chalks estate was a hugely contested application, with objections from the District Councillors and High Street residents groups. Great Chalks was regarded as the green and open breathing heart of our village, which has been devastated by the permission granted only on the casting vote of the planning committee chairman, who incidentally is no longer thankfully a member of Uttlesford District Council and able to wreck such damage.
The objections to the original application included the protected open space nature of the site, the proposed over-development and the excessive traffic congestion the development would induce on our already blocked High Street. These reasons remain as valid planning reasons for refusing these applications.
A further crucial factor is the assurance by officers at the original hearing that if application was allowed at all on this site that the limit would be the eight dwellings applied for and that no further development would be allowed on this site.
Having obtained the original permission these further applications are simply an attempt to add further properties to the site and is just the kind of insidious incrementalism UDC has sought to identify and route out in the past and we have trust that officers and the planning committee will be aware and maintain resistance to such tactics by refusing both of these applications.

9. CONSULTATIONS

MAG London Stansted Airport

- 9.1 We have no aerodrome safeguarding objections to the proposal.

ECC Highways

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

ECC Ecology

- 9.3 Following the holding objection additional information was submitted and the reason for the holding objection has been overcome. They now have no objections subject to securing biodiversity mitigation and enhancement measures.

- 9.4 Holding objection due to insufficient ecological information

Summary

We have reviewed the ecology note (CSA Environmental, June 2019) relating to the likely impacts of development on designated sites, protected species and Priority species / habitats.

We are not satisfied that there is sufficient ecological information available for determination of this application. We recommend that a Preliminary Ecological Appraisal should be undertaken to assess the likelihood of impacts and any mitigation measures needed to make the development acceptable.

Further clarification is needed on the likely impacts of development on Great Crested Newts (GCN). The ecology note (CSA Environmental, June 2019) has identified two ponds within 250 metres of the proposed development, which may support breeding amphibians and there are records of GCN in the locality. However, justification has not been provided for the lack of survey of these ponds. We recommend the use of Natural England's rapid risk assessment tool for licensing to identify whether an offence might be committed, and whether any mitigation measures are required in line with Government Standing Advice.

This is required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

Consequently, this further information is required to provide the LPA with certainty of impacts on legally protected and Priority species and enable it to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006.

We look forward to working with the LPA and the applicant to provide the additional information to overcome the holding objection and support a lawful decision.

Conservation Officer

- 9.5 Hatfield Broad Oak conservation area which is a designated heritage asset
Great Chalks is a non-designated heritage asset (building on the local heritage list)
The proposed chalet bungalow is to be located to rear of Great Chalks which is on the local heritage list. The location to rear and its design is considered to be supportable and would not have a detrimental impact on the character and appearance of the conservation area nor the architectural interest of the building.
The conservation area has kept the strong visual appearance of a historic settlement. It has retained its nodal medieval street plan centred on the location of the former market place and the Priory which are no longer visible. It has a varied and high-quality building stock dating back to late and early post medieval period.

The historic centre is divided into four broad character areas.

Great Chalks is located between Brick Cottage and Coach House. The property is on the local heritage list. It is a large three storey house with a stable block and built as a rectory between 1837 and 1841. The property is set back from the road with a shallow depth front garden.

The site already has permission for a car port and therefore there is a precedent for built form that dissects the large rear garden. There are examples of neighbouring development e.g. the bungalow to the rear of Brick House and Lime Cottage.

The proposed detached chalet bungalow is located at the rear and is considered to be supportable as it would not have detrimental impact on the appearance and character of the conservation area due to its location.

Natural England

- 9.6 No comments

NATS Safeguarding

- 9.7 NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

UK Power Networks

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

Landscape Officer

- 9.9 4no. trees are shown to be removed to accommodate the proposed development. These are a box, a Lawson cypress, a holly, and a yew tree. These trees are the subject of an 'area' designation tree preservation order and not identified in the order individually, or as a group. The box tree is found to be poorly formed; the Lawson cypress is a relatively young multi-stemmed subject; and the holly tree is found to be in poor health and in decline. None of these three subjects are considered to be of significant amenity value and their removal would not detrimentally impact on the quality of this part of the conservation area.

The yew tree proposed to be felled is a mature specimen of some 12m in height, well formed, in good general health, and situated in the south east corner of the application site. A yew tree of similar size and form is shown to be retained towards the site frontage with the access road serving this proposed development and that of the wider development of 'Great Chalks' which has planning permission. Other matters aside, the yew tree to be retained would have much the greater prominence and visual importance in the broader scheme as opposed to the yew tree proposed to be removed. In consideration of the proposed loss of the yew tree as part of the current application weight needs to be given to the loss of public amenity. The extent to which the subject tree is visible to the public is an important factor. This tree would be visible, from the access road albeit at some distance, however, it is not an outstanding specimen and its removal would not have a significant detrimental impact on the fabric and visual quality of this part of the conservation area.

10. REPRESENTATIONS

- 10.1 This application has been advertised, a site notice displayed and the occupants of neighbouring properties notified. Expiry date: 30th August 2019
- 10.2 14 Representations have been received. Summary of representations received as follows:
- The proposed change will have a detrimental impact on our historic village centre and conservation area that will never be retrieved
- Parking issues – Insufficient parking spaces. Traffic congestion
- Detrimental impact on character of Conservation Area
- Highway Safety- pedestrian and vehicular.
- Pollution
- Impact on ecology
- Dwellings are incongruous
- Overdevelopment
- Unsustainable development
- Cumulative impact
- Impact on village services - sewage
- No additional parking spaces are being provided for village use
- It was stated that there would be no additional dwellings allowed on this site
- The Committee will be aware that a further, "9th plot", exists on the previous application plans. Originally an active Badger Sett, this is now described as the "Abandoned Badger Sett Area". (Ref. OMC Associates B070 Additional Application Info). The applicant's Application to discharge Condition 3 (UTT/19/1320/DOC) requests permission for an additional 11 trees to be felled from this area and the ground levelled to make way for a materials store. Once the 8 dwellings are built and this materials store is no longer needed there will no doubt be a further application for another large dwelling on this cleared and level plot.
- With the division of the main house and the 2 additional houses proposed, this entire development now has a capacity for 92 persons compared to about 55 persons who currently live on the High Street.
- urbanisation of the backdrop to the medieval high street
- On 26th September the Planning Committee defined the maximum new commercial development of the site as being 8 new dwellings. Any additional requests go against the principles for the site established at that time. On 28th May 2019 the Section 106 relating to the approval was signed, and Schedule 2 attached to this notice clearly shows the site remains as the whole of Gt Chalk house & gardens. It is the same site where on 15/03/2018 the Case Officer for UTT/18/0386/FUL stated that there wold be no additional dwellings allowed on this site
- Traffic and access was a major concern regarding the original application, when the TRICS data was discussed and recognised to be a gross underestimate. We know the reality of living in a rural village with trips required to get anywhere and everywhere: to work, nurseries and schools, shops and leisure, and it was inconceivable that a development of 8 large houses with a capacity to house 64 persons, would generate a morning peak of just 4 departures, and 2 arrivals. With the proposed division of the main house and 2 additional houses, this entire development now has a capacity for 92 persons compared to only about 55 persons who currently live on the High Street.
- Unacceptable incremental development.
- No additional visitor parking
- Inadequate infrastructure
- Unsustainable. Detrimental impact on utilities, water, electric supply and sewage network
- The objections are that it has been 'shoehorned' into a green space with little regard

as to how it will look from the High St. The house would be visible from the High St when the idea was to open up the area to open space looking from the street. This extra house will make it look more like a housing estate stuck right in the middle of a conservation area. A medieval High St with old frontages - mostly Grade 2 listed with a modern house jarringly obvious in its centre.

Additional building will further erode the 'Protected Open Space' that the garden previously made up with subsequent damage to flora and fauna and impact on the views from many gardens here in the heart of the village.

. It's outrageous that the wildlife and history within the beautiful gardens of Great Chalks has been destroyed

The existing permission to build 8 large houses in the grounds of Great chalks, with one huge house to be sited at the bottom of the garden of Bury House, right on its boarder, has already impacted greatly on this historical village house. Granting permission to build another huge modern house on the right hand side boarder of Bury House will further permanently damage this historical house for future generations. The proposed further development of the gardens of Great Chalks, splitting Great Chalks into two and extending great chalks up to Bury House boundary and developing the outbuilding into a further property means there will be an even greater impact in terms of light and noise pollution, parking, traffic congestion on the high street, impact on wildlife and ecology, traffic and issues surrounding the volume of traffic in and out of the development

11. APPRAISAL

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

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

A The development of this site for residential purposes (NPPF and ULP Policies S3,H4,ENV3 and H3);

- 11.1 The site is within Development limits where policy S3 states that development will be permitted if the development would be compatible with the character of the settlement and its countryside setting. The draft regulation 19 plan also includes the site within the development limits of Hatfield Broad Oak.
- 11.2 Policy H3 also states that infilling with new houses will be permitted within development limits if the development would be compatible with the character of the settlement.
- 11.3 ULP Policy H4 states that development of a parcel of land that does not have a road frontage will be permitted if it meets the criteria set out in policy H4 relating to land efficiency, would not have significant adverse effects on residential amenity and if means of access would not cause disturbance to nearby properties. The

redevelopment of Great Chalks which has sizeable grounds would make more effective and efficient use of the site.

- 11.4 Part of the site to the rear of Great Chalks is under the current Adopted Local Plan is identified as protected open space of environmental value. Policy ENV3 states: *The loss of traditional open spaces, other visually important spaces, groups of trees and fine individual tree specimens through development proposals will not be permitted unless the need for the development outweighs their amenity value.* Although the Regulation 19 draft local plan has limited weight at this time, it is however, proposed to remove this designation in the current draft regulation 19 Local Plan. The removal of the protected open space designation has been made in the light on the assessment of the site through the Strategic Land Availability Assessment (reference 05HBO15). The SLAA states “The site is considered suitable because Hatfield Broad Oak is a Type A village and the site is in close proximity to the services and facilities. Subject to the retention of the protected trees and character of the conservation area being protected and enhanced, this is considered a suitable site for development.” The SLAA concludes that, “The site is available and suitable and development is achievable subject to the retention of the protected trees and character of the conservation area being protected and enhanced.
- 11.5 In view of the above it is considered that the principle of development the site is acceptable subject other policy constraints.
- B Design, scale and impact on neighbour's amenity and impact on character and setting of adjacent Listed Buildings and character of the Conservation Area (ULP Policies GEN2, ENV2, ENV1, ENV3; NPPF & SPD: Accessible Homes and Playspace)**
- 11.6 Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale form, layout and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate.
- 11.7 Local Plan Policy ENV1 states that development will be permitted where it preserves or enhances the character and appearance of the essential features of a Conservation Area, including plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain or significant natural or heritage features. The grounds behind Great Chalks form an important backdrop to the Conservation Area. The proposed dwelling is located so as not to block the views into the site from the adjoining Conservation Area which includes the front of the site and to the west of the site.
The Hatfield Broad Oak Conservation Area Appraisal adopted in May 2013 also states in paragraph 2.17 that it is considered that development on the open ground with large trees bounded by the rear gardens of houses in the High Street, Cage End and Cage End Close would be entirely inappropriate. The proposed chalet bungalow would be located within the rear formal garden of Great Chalks rather than the open space beyond the garden. The dwelling would not be seen from the street scene.
- 11.8 Policy ENV2 states: that development will not be permitted if it would adversely affect the setting of a listed building. Great Chalks is not listed, however there are several listed dwellings along the High Street, including the two adjacent dwellings.
- 11.9 A further material consideration is that Great chalks is included wthin the local Heritage List. The Local Heritage List document contains a list of structures and

other assets which are considered to be locally significant to the character of the area. Assets were identified as part of the conservation area appraisals and conservation management plans, as well as those nominated by the public. Each was assessed and had to meet a set selection criteria to be included on the list. Those selected are different to those which are identified by Historic England and included on the National Heritage List. The purpose of the list is to identify historically and locally important structures across the district, and celebrate their significance and contribution to the local distinctiveness of Uttlesford.

- 11.10 In view of the above specialist Conservation advice was sought. The Conservation Officer is in support of the application. She states: "The site already has permission for a car port and therefore there is a precedent for built form that dissects the large rear garden. There are examples of neighbouring development e.g. the bungalow to the rear of Brick House and Lime Cottage. The proposed detached chalet bungalow is located at the rear and is considered to be supportable as it would not have detrimental impact on the appearance and character of the conservation area due to its location. The proposals would preserve the architectural and/or historic interest of the locally listed building and therefore complies with sections 16/66 of the Act. The proposals would preserve the character and/or appearance of the conservation area and therefore complies with section 72 of the Act" The proposal would cause no harm to the significance of the heritage asset Great Chalks and only limited impact on the character and setting of the adjacent listed buildings.
- 11.11 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 proposed garden would be 345sqm and therefore would accord with the requirements of the Essex Design Guide .
- 11.12 The design and scale of the proposed dwelling is considered appropriate for this location.
- 11.13 Policy GEN2 states that development will not be permitted if it would have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.
- 11.14 The Essex Design Guide sets out the distances required to protect the neighbour's amenity with a recommended back to back distance of 25m. Where new development backs on to the rear of existing housing, existing residents are entitled to a greater degree of privacy to their garden boundary, and therefore where the rear faces of the new houses are approximately parallel to the existing, the rear of new houses may not encroach any closer than 15m to an existing boundary, even though with a closer encroachment 25 metres between the backs of houses would still be achieved. These distances are met
- 11.15 The development has been designed to minimise the potential for overshadowing or overbearing impacts. In view of the distances between neighbouring properties the proposal would not result in any material overlooking, overshadowing or overbearing impact. The proposal would comply with policies GEN2,H9, ENV2, ENV1, ENV3; NPPF & SPD: Accessible Homes and Playspace);

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

- 11.16 The proposed property is a three bedrooomed dwelling. The adopted UDC parking standards require the provision of two parking spaces for a three bedroom dwellings.
- 11.17 In accordance with Supplementary Planning Document – Accessible Homes and Playspace the proposed dwellings would need to be accessible and designed to Lifetime Homes Standards. Dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition and 2016 amendments. In this respect Part M4 (2) paragraph 2.12 relating to car parking, in order to comply with the building regulations it states:
Where a parking space is provided for the dwelling, it should comply with all of the following.
- a) Where the parking is within the private curtilage of the dwelling (but not within a carport or garage) at least one space is a standard parking bay that can be widened to 3.3m
 - b) Where communal parking is provided to blocks of flats, at least one standard parking bay is provided close to the communal entrance of each core of the block (or to the lift core where the parking bay is internal) The parking bay should have a minimum clear access zone of 900mm to one side and a dropped kerb in accordance with paragraph 2.13d
 - c) Access between the parking bay and the principal private entrance or where necessary, the alternative private entrance to the dwelling is step free.
 - d) The parking space is level or, where unavoidable, gently sloping
 - e) The gradient is as shallow as the site permits.
 - f) The parking space has a suitable ground surface.
- The plans would comply with the above amended building regulations and parking provision to meet the adopted parking standards requirements would be provided.
- 11.17 Due to the historic nature of Hatfield Broad Oak, a number of properties along High Street do not have off-street parking, and rely upon parking in the highway. Parking along the High Street is an existing issue, and unfortunately there is limited scope to improve this issue. The existing issues i.e parking related to the school and parking are not issues for the applicant to mitigate against and any obstructive or dangerous parking would be a law enforcement issue. In response to the numerous representations relating to parking and traffic concerns the applicant previously under approved application UTT/18/0386/FUL has provided six public parking spaces rather than the two that are required to comply with the adopted parking standards. Pending application UTT/19/1527/FUL also has a further visitor parking space.
- 11.18 The proposal would not increase the on street parking pressure along High Street to such an extent to warrant refusal of the proposal. There is sufficient parking within the proposed site to accommodate residents and visitors. It is acknowledged that the proposal would intensify the use of an existing and established access; however an additional dwelling and those dwellings recently approved, onto the High Street would have a very minimal impact on the highway network, given the number of vehicles travelling along High Street (B183), and the Highway Authority is satisfied that the proposal is acceptable.
- 11.19 The proposal complies with policies GEN8 and GEN1

D Biodiversity (ULP Policy GEN7; NPPF)

- 11.20 Policy GEN7 and paragraph 118 of the NPPF require development proposals to aim to conserve and enhance biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species..
- 11.21 This site has significant sensitivities given the presence of protected species and habitats. A biodiversity checklist has been completed, a ecology report and an arboricultural report submitted. In view of the numerous representations received in respect of biodiversity and the site's sensitive nature, Essex County Council ecologists have been consulted. They have no objection subject to securing biodiversity mitigation and enhancement measures which can be secured by appropriate conditions
- 11.22 The applicants have submitted an arboricultural report. There are errors within the report eg it refers to UTT/18/0386/FUL as development of 7 dwellings, when in fact it was for 8 dwellings. The site is within the Conservation Area. New structures and parking spaces close to trees may give rise to long term resentment of the trees through a variety of causes, resulting on pressure to remove the trees. The large Yew tree T31 would be close to the proposed parking provision for the dwelling and therefore may be undermined by the development and also there may be future pressure to remove the tree by occupants of the dwelling due to loss of light, leaf litter etc. Damage to trees as a result of development can be caused by, direct mechanical damage, ground compaction, changes in ground levels, severance of roots by ground works, contamination of the ground and change in ground surfaces. This proposal would result in the loss of trees T15, to T18 and possibly T31. Accordingly specialist landscaping advice has been sought.
- 11.23 4no. trees are shown to be removed to accommodate the proposed development. These are a box, a Lawson cypress, a holly, and a yew tree. These trees are the subject of an 'area' designation tree preservation order and not identified in the order individually, or as a group. The box tree is found to be poorly formed; the Lawson cypress is a relatively young multi-stemmed subject; and the holly tree is found to be in poor health and in decline. None of these three subjects are considered to be of significant amenity value and their removal would not detrimentally impact on the quality of this part of the conservation area.
The yew tree proposed to be felled is a mature specimen of some 12m in height, well formed, in good general health, and situated in the south east corner of the application site. A yew tree of similar size and form is shown to be retained towards the site frontage with the access road serving this proposed development and that of the wider development of 'Great Chalks' which has planning permission. Other matters aside, the yew tree to be retained would have much the greater prominence and visual importance in the broader scheme as opposed to the yew tree proposed to be removed. In consideration of the proposed loss of the yew tree as part of the current application weight needs to be given to the loss of public amenity. The extent to which the subject tree is visible to the public is an important factor. This tree would be visible, from the access road albeit at some distance, however, it is not an outstanding specimen and its removal would not have a significant detrimental impact on the fabric and visual quality of this part of the conservation area. The Council's Landscape officer has no objection to the proposal.
- 11.24 Specialist ecological advice is that with appropriate mitigation measures secured, the development can be made acceptable. This includes due diligence regarding nesting birds, radiating mammals (particularly badgers) and bat sensitive lighting (to avoid impacts on a Brown Long-eared bat roost present at Great Chalks main house just north of the Application site). Therefore, it is recommended that a lighting

scheme should be submitted as a condition of any consent. This should follow the Institution of Lighting Professionals Guidance Note 8 Bats and artificial lighting (September 2018).

They support the reasonable biodiversity enhancements, which have been outlined within the revised Ecology Note (CSA Environmental, August 2019). This includes one bird box and one bat box integrated into the fabric of the new dwelling. This will ensure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. As such subject to conditions being applied to any consent securing all mitigation measures and or works in accordance with the details contained in the revised ecology note (CSA Environmental, August 2019), the submission of details and locations of the enhancement measures contained within the revised ecology note and wildlife sensitive lighting design scheme the proposal would comply with ULP policy GEN7

E Affordable Housing (ULP Policies H9, GEN6)

- 11.25 There are no policy requirements for the provision of affordable housing or financial contributions in lieu of provision for developments of this nature. The previously approved scheme UTT/18/0386/FUL) on the adjacent site secured the payment of £486,000 index linked via a s106 agreement.

F Flood risk and drainage (ULP policy GEN3; NPPF)

- 11.26 Policy GEN3 requires development outside flood risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere. The site is located within Flood Zone 1, therefore is a site with the lowest risk of flooding (more than 1 in 1000 years). All drainage provided will need to comply with building regulations.

G Other material planning considerations

- 11.27 There is a further application pending for subdivision of Great Chalks and erection of new single storey side extension to create 1no. four bedroom and 1no. three bedroom dwellings and change of use/conversion of existing coach house with new dormer windows to create 1no. two bedroom dwelling (UTT/19/1527/FUL) If that application were to be approved, it would not change the recommendation on this application.

12. CONCLUSION

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

- A** The site is located within development limits of Hatfield Broad Oak. The principle of residential development at this site is acceptable having regard to sustainability development aims and objectives, flood risk, countryside protection, infill and backland development (NPPF, ULP Policies S3,, GEN3, H3 and H4).
- B** The design is acceptable. It has been designed to protect the character and setting of the adjacent Listed Buildings and would have no material detrimental impact on neighbours amenity. The proposal would have limited impact on the character of the Conservation Area.
- C** The means of access to the proposal site is considered acceptable and would comply with policy GEN1. Adequate parking is provided to comply with ULP adopted

parking standards.

- D** The proposal would not be harmful to protected/priority species subject to recommended mitigation and compensation measures being conditioned and implemented (ULP Policy GEN7).
- E** There is no policy requirement for affordable housing for developments of this nature.
- F** The site is located within Flood Zone 1 and therefore is a site with the lowest risk of Flooding
- G** Cumulative impact 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. Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on DWG no. 2723-201 (April 2019), shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.

REASON: To ensure that appropriate access, parking and turning is provided in accordance with Uttlesford Local Plan Policy GEN1.

3. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

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

4. 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.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Uttlesford Local Plan Policy GEN1.

5. All mitigation measures and/or works shall be carried out in accordance with the details contained in the revised Ecology Note (CSA Environmental, August 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes due diligence regarding nesting birds, radiating mammals (particularly badgers) and bat sensitive lighting.

REASON: To conserve Protected and Priority species and allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP policy GEN7

6. A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the revised Ecology Note (CSA Environmental, August 2019), shall be submitted to and approved in writing by the local planning authority prior to slab level.

The enhancement measures shall be implemented in accordance with the approved details and all features 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) in accordance with ULP policy GEN7

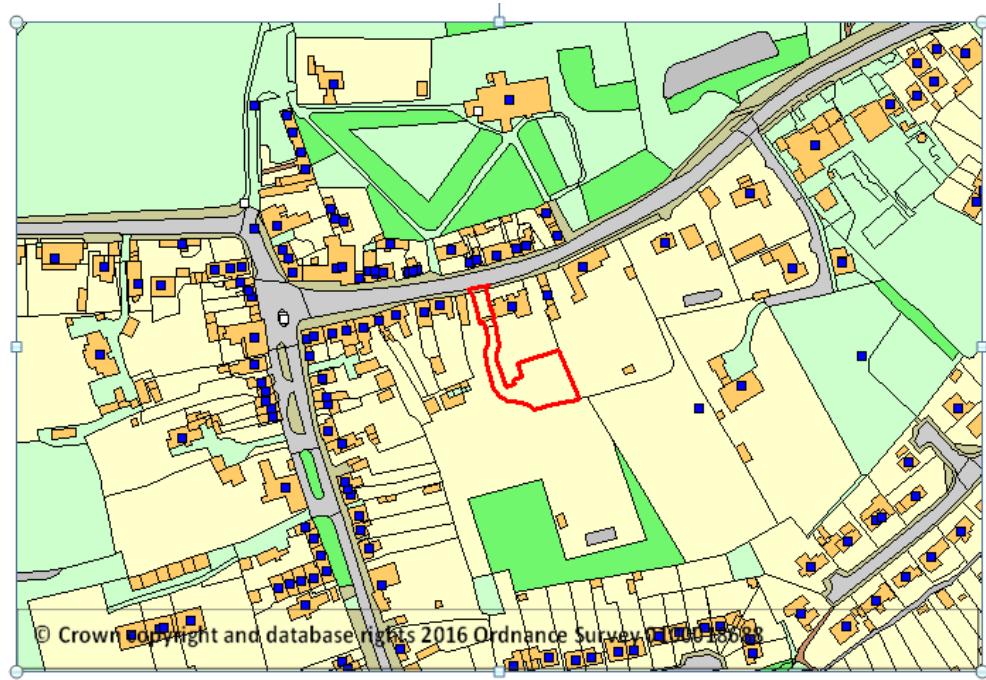
7. Prior to occupation, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate 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 ULP policy GEN7.

8. The dwelling hereby permitted shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the BuildingRegulations 2010 Approved Document M, Volume 1 2015 edition.

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



Organisation: Uttlesford District Council

Department: Planning

Date: 04 October 2019

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Agenda Item 12

UTT/19/1823/FUL (Saffron Walden) (Major Application)

PROPOSAL: Creation of an Artificial Grass Pitch (AGP) with associated features including: fencing and entrance gates, pitch barrier with entrance gates, fenced enclosure, hard-standing areas, vehicular maintenance and emergency access, 15m high floodlight system, maintenance equipment store, football car park, grassed mound and replacement planting.

LOCATION: Saffron Walden County High School, Saffron Walden

APPLICANT: Saffron Academy Trust, Saffron Walden County High School

AGENT: Labosport Ltd

EXPIRY DATE: 8th November 2019

CASE OFFICER: Chris Tyler

1. NOTATION

1.1 Outside Development Limits

2. DESCRIPTION OF SITE

2.1 The application site is situated within the grounds of Saffron Walden County High School. Vehicular and pedestrian access is gained via a driveway entrance adjoining Audley End Road. The application site relates to an area south west of the High School Building.

3 PROPOSAL

3.1 This application is for the creation of an Artificial Grass Pitch and associated features including: fencing and entrance gates, pitch barrier with entrance gates, fenced enclosure, hard-standing areas, vehicular maintenance and emergency access, 15m high floodlight system, maintenance equipment store, football car park, grassed mound and replacement planting.

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 applicant has provided a detailed design and access statement, this includes:

This proposal has been strategically identified by the Football Association as a centre for grassroots development and once brought into use, it is vital for the proposal to work within the terms of its approval.

With the proposed times available for community access up to 10pm Monday to Friday and until 10pm on Saturdays and Sundays, the project will succeed in its ambition to develop more competent and capable footballers with improved technical skills from a younger age.

The requested operational times will provide opportunities for the AGP to be used for a maximum of 93.5 hours each week which is necessary to satisfy curriculum and community demands for the sports facility whilst balancing the necessary protection of neighbours amenity.

The AGP will replace part of the grass playing field at Saffron Walden County High School this proposed location will afford convenient access for school pupils and all community visitors to and from changing accommodation and administration facilities; as well as convenient maintenance and emergency access.

Residential neighbours will not be adversely affected by this proposal because the closest residential neighbours to the subject area are relatively distant and located 263m to Fulford House to the West (to the house façade), 170m to Icehouse Lodge to the North (to the house façade), 269m to the house facade to the East along Copperfields and 172m to the house facade to the South East along Beeches Close.

As such, direct views of the AGP from surrounding land and public areas will be mostly obscured by land topography, existing tree belts and green spaces to the North, West and South; and by school buildings, infrastructure and further tree belts to the East.

The proposed sporting applications directly relate to the existing uses of the playing field, which are acceptable in principle; but only if consequential impacts are within acceptable tolerances and thresholds.

From the very beginning of this project, we have proactively sought, commissioned and received professional advice and recommendations to ensure the sports facility design is compatible and complimentary to the sports complex setting; whilst being sensitive to visual and residential amenity and the surrounding environment as well as protecting local biodiversity.

A variety of professional studies and technical assessments have been published to support this proposal to inform the carefully considered sports facility design and this proposal has been prepared to ensure there is no unacceptable level of impact or harm to neighbours and the local environment by way of noise, light, flood risk or transport issues.

Floodlighting has been sensitivity designed with overspill entirely contained within the sports grounds and consequently; light trespass, light intrusion into windows and intensity (glare) comply with an Environmental Zone E2 (ILP) which is a rural surrounding with low district brightness, for example a village or relatively dark outer

suburban location; as recommended within The Institution of Lighting Professionals: Guidance Notes for The Reduction of Obtrusive Light GN01:2011.

Modern floodlights create very little light leakage outside of the sports facility, with backward light and overspill diminishing within a short distance around the AGP boundaries to restrict horizontal and vertical overspill.

The floodlights design can be trusted and embraces all practical measures published within relevant ecology guidance, to prevent harm and to maintain dark corridors around the playing field boundaries for any commuting or foraging bats or potential bat roosts.

Also, to ensure the floodlights do not ever become a public nuisance; they will be subjected to periodic testing and inspections throughout their working life to maintain but not exceed design levels.

A surface water drainage strategy has been proposed to ensure the proposal would resist a critical storm event, thereby preventing the risk of any offsite flooding in these conditions.

Saffron Walden County High School is committed to manage and maintain the sports facility as promised and will implement a community use management plan to ensure the AGP is correctly operated and to minimise potential noise impacts to all neighbours.

There will be increased traffic movements because of the AGP, but enough car parking provision onsite will be available and Saffron Walden County High School will implement a travel plan / parking management plan to direct all visitors travelling by car to use onsite parking areas.

These measures will ensure that parking demands are satisfied onsite and do not result in overspill onto adjacent highways when the AGP is used by local organisations and community sports clubs.

This project will deliver genuine benefits in terms of sports engagement and as such, the proposed sports facility will serve to further enhance the excellent education and sporting offer that Saffron Walden County High School provides to its pupils and the local community.

6 RELEVANT SITE HISTORY

- 6.1 There are no previous planning applications linked to this proposal.

7 POLICIES

7.1 National Policies

National Planning Policy Framework (2018)

7.2 Uttlesford Local Plan (2005)

Policy S7- The Countryside

Policy LC4 - Provision of outdoor sport and recreational facilities beyond development limits

Policy GEN2 – Design

Policy GEN4- Good Neighbourliness

Policy GEN7 - Nature Conservation
Policy GEN1- Access
Policy GEN8 - Vehicle Parking Standards

7. Supplementary Documents

Essex County Council Parking Standards (2006)

8 PARISH COUNCIL COMMENTS

No objections

9 CONSULTATIONS

9.1 The Highways Authority

No Objections

9.2 Ecology

No objection subject to securing biodiversity mitigation and enhancement measures
Summary

We have reviewed the Preliminary Ecological Appraisal Report (Concord Ecology, July 2019) and Species Survey Report (Concord Ecology, July 2019) relating to the likely impacts of development on designated sites, protected species and Priority species and habitats.

We are 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/habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

However, we note that the Preliminary Ecological Appraisal Report (Concord Ecology, July 2019) recommends an Ecological Impact Assessment is undertaken to show the effect of the proposed lighting on bats, barn owls and moths. We have reviewed the LED Floodlighting Plans and are concerned that the vegetation along the north of the site is unnecessarily illuminated by the proposed lighting.

We recommend that an Updated Lighting Design Plan is submitted to the LPA under a condition of any consent to show no light above one lux is impacting the boundary vegetation. This then removes the report recommendation for further ecological survey prior to determination to provide certainty of impacts particularly to bats. One lux has been identified as the maximum light level that bats are active in by the Institute of Lighting Professionals and Bat Conservation Trust Guidance Note (August 2018). This can be achieved through the use of lighting hoods and appropriate angling of the lights, ensuring the development will have no negative impact on bats. Additionally, the lights should only be used when the pitch is in use. Minimising the amount of time the lights are switched on also minimises the effect of lighting on nocturnal pollinators such as moths, some of which are Priority species. The mitigation measures identified in the Preliminary Ecological Appraisal Report (Concord Ecology, July 2019) and Species Survey Report (Concord Ecology, July 2019) should be secured and implemented in full. This is necessary to conserve and

enhance protected and Priority Species.

We support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured as a condition of any consent. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

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

Recommended conditions:

ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

“All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Concord Ecology, July 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

“A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following: Purpose and conservation objectives for the proposed enhancement measures; detailed designs to achieve stated objectives;

locations of proposed enhancement measures by appropriate maps and plans; persons responsible for implementing the enhancement measures; details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.”

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

PRIOR TO SLAB LEVEL: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“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)

9.3 Sports England

It is considered that the potential sports development benefits that the proposed AGP would offer would clearly outweigh the detriment caused by the impact on the playing field. I therefore consider that the proposed development would meet exception 5 of our playing fields policy. This being the case, Sport England does not wish to raise an objection to this application subject to the following conditions being attached to the decision notice should the local planning authority be minded to approve the application.

9.4 UDC Landscape Officer

The site has been inspected, the site is visually well contained and the proposed development, including its floodlighting provision, ball stop fencing, and the proposed changes in ground level to accommodate the pitch, car park and access, would not significantly impact on the broader landscape. There are a number of trees purposed to be removed (13no. individual, and 3no. groups of trees). Of these trees 1no. beech tree situated on the eastern boundary of the site is identified as being of high quality. Whist this tree is a high quality specimen it does not have any significant public amenity value.

It is recommended that any approval is subject to the submission and approval of a fully detailed scheme of landscaping to include tree and hedgerow planting.

10 REPRESENTATIONS

- 10.1 13 letters of support received, no objections received.

11 APPRAISAL

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

- A The principle of the development of this site, design (ULP Policies S7, GEN2, LC4, ENV3 and the NPPF)
- B Impact on residential amenity, disturbance (ULP Policies GEN2, GEN4, ENV11)
- C Access and Vehicle Parking Standards (ULP Policies GEN1 and GEN8, UDC Parking Standards)
- D Nature Conservation (ULP Policy GEN7)
- E Any other material considerations

- A The principle of the development of this site, design (ULP Policies S7, GEN2, LC4, ENV3 and the NPPF)**

- 11.1 The site is outside of the development limits (ULP Policy S7). ULP Policy S7 states

that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to the rural area, with development only being permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

- 11.2 The site forms part of Saffron Walden County High School and will replace an existing playing field with the artificial football pitch. Although the proposal will result in the introduction of perimeter fencing, parking area and floodlights. It is not considered the proposal will result in an encroachment to the surrounding open countryside. The design of the proposed works would be compatible with the character of the existing school site and surrounding area. As such it is considered the development accords with ULP Policies S7 and GEN2.
- 11.3 As recommended within NPPF paragraph 97, confirmation that part of existing grassed playing field will be replaced by an Artificial Grass Pitch (APG) providing better provision in terms of quantity and quality in a suitable location. Due consideration has been made in regards to the loss of the playing field taking into consideration the detail set out in the submitted design and access statement, including:

The Saffron Walden County High School project will contribute to the Football Association National Game Strategy by:

- Increasing participation (especially for girls)
- Developing our football workforce
- Making high quality football facilities accessible to grass roots clubs

This project is supported by a well thought out and strategic football development plan that will provide a wide range of coaching and participation opportunities for people of all ages and abilities in Saffron Walden. With Saffron Walden Town Football Club as the key community football delivery partner, this project will enable the applicant to deliver a football development plan

- 11.4 NPPF paragraph 96 recommends that: Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate. Taking into account the requirement of the development and the positive provision of pitch area it is considered the development will accord with paragraph 96 of the NPPF.
- 11.5 Policy ENV3 considers the loss of traditional open spaces, other visually important spaces, groups of trees and fine individual tree specimens, development proposals will not be permitted unless the need for the development outweighs their amenity value.
- 11.6 A total of 13 individuals (1 Category A, 8 Category B and 4 Category C) and 3 full groups (1 Category B and 2 Category C) will require removal in order to implement the construction of the proposed development. It will also be necessary to remove a section of 1 Category C group of trees.
- 11.7 The removal of a Category A beech tree is unfortunate, though it is unfeasible to

retain this tree under the current design. However, this should be mitigated by the planting of replacement trees in a suitable location, this should be conditioned if planning permission is granted. The Council Landscape Officer has been consulted, no objection has been made. As such it is considered that although the development will result in the loss of some trees this will be outweighed by the positive of the development and accords with ULP Policy ENV3.

- 11.8 With regards to Local Plan Policy LC4, it states the following development will be permitted:
Outdoor sports and recreational facilities, including associated buildings, such as changing rooms and club houses. The proposal will include the replacement of the current playing field with an artificial grass pitch associated works and parking area.
- 11.9 No adjustments are required to the school's remaining playing fields to ensure that adequate grass playing pitches are retained to support summer and winter curriculum and community sport requirements and this is because the proposed AGP will only replace one grass playing (football) pitch.
- 11.10 The artificial grass pitchy will replace part of the existing grass playing field at Saffron Walden County High School, this proposed location is conveniently accessed for school pupils and all community visitors and within close proximity to the changing accommodation and administration facilities; as well as convenient maintenance and emergency access.
- 11.11 Sport England have been consulted, and no objections have been raised. Due consideration has been made and an assessment against Sport England's playing fields policy. The benefits of the development outweigh the harm caused from the loss of the playing field.
- 11.12 In conclusion and taking into consideration the consultation response from Sport England, the proposed artificial football pitch will result in a;
 - Better quality provision
 - In a suitable location
 - Supported by effective and appropriate management arrangements
 - Implemented with best practice construction techniques to minimise waste and pollution

As such it is considered the development accords with ULP Policy LC4.

B Impact on residential amenity, disturbance (ULP Policies GEN2 & GEN4, ENV11)

- 11.13 Local Plan Policy GEN2 requires that development does not cause an unacceptable loss of privacy, loss of daylight, overbearing impact or overshadowing to neighbouring residential properties. Due to the location of the development within the school site and significant distance from residential dwellings it is not considered the proposal will result in any significant harmful impact regarding loss of privacy, loss of daylight, overbearing impact or overshadowing. As such it is considered the development accords with ULP Policy GEN2.
- 11.14 ULP Policy GEN4 and ENV11 consider the development and the impact to neighbouring properties due to noise and disturbance.
- 11.15 A Noise Assessment has been included within the Design and Access Statement and illustrates the extent of activity noise created by the AGP which are unlikely to

create an unacceptable level of impact to adjacent residential neighbours. It is not considered noise impacts will be created by the new AGP and the inclusion of neoprene washers (inserts) fitted to ball stop fence post / panel fixings to reduce panel rattle and vibration from ball impacting on perimeter ball stop fencing, will reduce noise emission created from use of the AGP.

11.16 The siting of the application site within the school site and a significant distance from neighbouring residential properties will ensure the development will not result in any material harm to residential amenity and impact from noise and disturbance.

11.17 The proposal includes floodlights to satisfy the necessary and planned weekly usage for community use. The proposed floodlights will be operated during evenings of permitted use. As such due to the location and the imposition of condition should planning permission be granted it is considered the light will not result in any harmful impact. The lighting system design will comply with complimentary recommendations published within BS EN 12193:2007 Light and lighting. Sports lighting. This will ensure the development will be;

- Optimising the perception of visual information used during sports events
- Maintaining the level of visual performance
- Providing acceptable visual comfort

11.18 Taking into account the exiting use of the site, the imposition of conditions it is considered the development is in accordance with ULP Policies GEN2, GEN4 and ENV11.

C Access and Vehicle Parking Standards (ULP Policies GEN1 and GEN8, Essex County Council Parking Standards 2006)

11.19 The proposal provides adequate on-site parking and necessary traffic management to meet the needs of the development and would not result in any harm to the safety of the surrounding public highway network. Traffic movement to and from Saffron Walden County High School will be managed such that proposal will overlap with exiting site activities and will not create undue congestion within the surrounding vicinity of the application site and will not result in an increase in demand for off-street parking or have a detrimental impact on highway safety. The Highways Authority have been consulted, no objections of further comments have been made. As such it is considered the development accords with ULP Policies GEN1 and GEN8, Essex County Council Parking Standards 2006.

D Nature Conservation (ULP Policy GEN7)

11.20 The applicants submitted a Preliminary Ecological Appraisal Report (Concord Ecology, July 2019) and Species Survey Report (Concord Ecology, July 2019). Essex County Council Ecology officer's has been consulted, no objections have been made or requirement of further mitigation details. As such it is considered the proposal is not considered not to have a harmful impact to protected species and biodiversity and accords with ULP Policy GEN7.

E Any other material considerations

11.21 The following policies are included in Regulation 19 Local Plan submission and therefore have been considered in the assessment of the application; these policies hold some limited weight.

SP10- Protection of the countryside
LC4-Protection and Provision of Open Space, Sport Facilities and Playing Pitches
D1- High quality design
TA1- Accessible Development
TA4- Vehicle parking standards
EN8- Protecting the natural environment
EN20-Light Pollution

12 CONCLUSION

12. In conclusion, the proposal is considered an appropriate form development that would represent an acceptable scheme in terms character of the site and its surroundings. 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 Use of the artificial grass pitch shall not commence until: (a) certification that the Artificial Grass Pitch hereby permitted has met the FIFA Quality accreditation or equivalent International Artificial Turf Standard (IATS); and (b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches; have been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with ULP Policy LC4.

- 3 Prior to the use of the artificial grass pitch hereby permitted a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the artificial grass pitch, multi-use games area and supporting ancillary changing and parking facilities and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement."

REASON: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with ULP Policy LC4.

- 4 All mitigation and enhancement measures and/or works shall be carried out in

accordance with the details contained in the Preliminary Ecological Appraisal Report (Concord Ecology, July 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

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

- 5 Prior to the development above slab level a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

1. Purpose and conservation objectives for the proposed enhancement measures;
2. detailed designs to achieve stated objectives;
3. locations of proposed enhancement measures by appropriate maps and plans;
4. persons responsible for implementing the enhancement measures;
5. details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.”

REASON: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with ULP Policy GEN7.

- 6 The development hereby approved and its associated sports lighting shall not be used outside the hours of:
 - a) [8 a.m.] and [10:15 p.m.] Monday to Friday;
 - b) [9 a.m.] and [10:15 p.m.] on Saturday, Sunday and Bank Holiday

REASON: To balance illuminating the development for maximum use and benefit to sport with the interest of amenity and sustainability and to accord with ULP Policies GEN4 and ENV11.

- 7 Prior to commencement of the development, 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 shall be carried out in accordance with the approved details. This should include boundary treatment between the site and neighbouring property.

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

guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure compatibility with the character of the area and to mitigate the loss of trees on the site, in accordance with OLP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005)

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OS

1:10000

Map ref:

100m

Scale

1:10000

Map ref:

Organisation: Uttlesford District
Council

Department: Planning

Date: 09 June 2017

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Agenda Item 13

UTT/18/1027/FUL NEWPORT PARISH COUNCIL

(MINOR APPLICATION TO BE HEARD BY THE COMMITTEE FOLLOWING A HIGH COURT JUDGEMENT TO QUASH THE ORIGINAL DECISION NOTICE)

PROPOSAL:	Proposal for the demolition of existing outbuildings and the erection of 4 no. detached dwellings with associated amenity space and parking.
LOCATION:	Land to the east of Whiteditch Lane, Newport, CB11, 3UD
APPLICANT:	Walden and Land Property Ltd.
AGENT:	Mr M McGarr – English Architectural
EXPIRY DATE:	13th June 2018
CASE OFFICER:	Robert Davis

1. NOTATION

- 1.1 Outside Development Limits, Within 1km of SSSI

2. DESCRIPTION OF SITE

- 2.1 The subject site is located on the eastern side of Whiteditch Lane in Newport (a byway), approximately 300m north of the intersection with Bury Water Lane. The site is a rural-residential allotment created off the rear curtilage of an existing single dwelling on a large lot known as Wyndham's Croft. The development site is hatchet-shaped, with an access handle-only street frontage of approximately 14m, narrowing to 9.5m before widening to almost 64m, and having a depth of 130m. The site has an area of 0.51ha. The land is generally flat, with a short tiered drop in level in the area of the boundary where the retained curtilage of the Wyndham's Croft house is proposed to separate from the development site
- 2.2 The site has a semi-rural setting with dwellings to the south and west and a backdrop of agricultural land uses. Branksome, a dwelling and its garden, lies immediately to the north, with Oak Tree House and Holmwood beyond. There are dense hedgerows to the east but beyond these are local sporting fields. To the west are major residential redevelopments of 20 dwellings on Pastures Close and 84 new dwellings on the Cala site. A new aged care facility is nearing completion to the southwest.
- 2.3 Joyce Frankland Academy (a school) is located to the south-east. Newport railway station, which lies south of the main commercial street of Newport Village, is located 1.1km to the southeast of the site.
- 2.4 The site is located approximately 300m outside (north) of the development limits of the Newport Village identified in the Uttlesford Local Plan, and 400m from the northern extent of the Newport Conservation Area.

3. PROPOSAL

- 3.1 The proposal is for the demolition of the existing outbuildings and the erection of four detached dwellings and associated amenity space and parking. The dwellings would be positioned in an L shape around the turning head of a 4.8m wide driveway that reaches the houses through a landscaped area.
- 3.2 Each dwelling would be a two storey house providing five bedrooms and with Gross Internal Areas of between 200m² and 210m². Two of the dwellings would feature attached double garages with Plots 2 and 4 having a detached garage.
- 3.3 Each dwelling would be provided with ample amenity area annotated on the site plan to be between 329m² and 487m² in extent.

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. APPLICANT'S CASE

- 5.1 The application is accompanied by a Design and Access statement and a Biodiversity questionnaire, as well as a revised landscape scheme.

6. RELEVANT SITE HISTORY

- 6.1 A Decision Notice was issued in error on the 19th October 2018 mistakenly granting planning permission contrary to the content of the officer's report and recommendation for refusal. An application was duly made by the Council to the High Court to quash the notice.
- 6.2 The following recommendation for refusal:
A suitable legal agreement has not been completed to secure appropriate affordable housing provision, mitigate the impacts of the development on education and affordable housing, in conflict with policies H9, GEN6 and GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.
was given, in error, as a condition of the planning permission.
- 6.2 The High Court considered that the recommendations in the Officer's report caused the reasons for the grant of planning permission to be unintelligible when viewed in the context of the conclusions of the report and the explanatory notes and guidance in the Decision Notice.
- 6.3 The notice was duly quashed by the High Court on the 29th March 2019.

7. POLICIES

- 7.1 National Policies
 - National Planning Policy Framework
 - Planning Practice Guidance
- 7.2 Uttlesford District Local Plan 2005
 - S7- The Countryside
 - GEN 1 – Access
 - GEN 2 – Design
 - GEN 3 – Flood Protection
 - GEN 7 – Nature Conservation

- GEN 8 – Vehicle Parking Standards
- H1 – Housing Development
- H9 – Affordable Housing
- H10 – Housing Mix

Supplementary Planning Documents/Guidance

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

- 7.3 - West Essex and East Hertfordshire Strategic Housing Market Assessment (2016)
- Uttlesford Strategic Flood Risk Assessment (2016)
 - NPPF 2019 – Five Year Housing Land Supply update (March 2019)
 - Emerging Local Plan

8. NEWPORT PARISH COUNCIL COMMENTS

- 8.1 Newport Parish Council objects to the above application for the following reasons:
- 8.2 Allocation: The site is not included in the draft Uttlesford Local Plan and is also not allocated as a site in the draft Newport, Quendon and Rickling Neighbourhood Plan. In addition, this site is at the very end of the lane where the road peters out into a public footpath. The site is consequently outside village development limits.
- 8.3 Transport: Whiteditch Lane is a single track byway with no lighting, footpaths and has a double blind bend making access on the lane for vehicles, pedestrians and horses extremely hazardous. Permission has already been given for 67 additional houses (in fourteen separate developments) on the lane on top of the original 12 houses recorded in the 2011 census, only one of which has been completed. No cumulative impact assessment has been completed to assess the traffic impact of this increase as required by Essex Highways.
- 8.4 A request was made to Essex County Council, as the local highway authority, in order to understand the requirements for the Transport Statement. A Strategic Development Officer within the Transportation, Planning and Development Department responded by email on the 16th March 2018 advising the following:
- 8.5 'As I am sure you are aware, there has been a number of planning applications submitted along Whiteditch Lane in the past few years. Whiteditch Lane is a public byway, and has a number of constraints ie, width. A cumulative impact assessment should take into account all committed development along Whiteditch Lane, and all existing dwellings/ land uses. This would allow the Highway Authority to fully understand the impact of the proposed development'.
- 8.6 Despite claiming to be a cumulative impact assessment the applicant's transport assessment only takes into account two sites that have been approved on Whiteditch Lane, being Wyndham's Croft (15 houses) and Land South of Bury Grove (20 houses) which account for only 35 of the 67 approvals on the Lane. The report takes into account two developments which are adjacent to the site (Care Home 40 bed unit and 81 flats) and CALA Homes (84 houses) which should both be accessed from Bury Water Lane not Whiteditch Lane. Unfortunately due to an incorrect phrase permitted by UDC during a discharge of condition the developers from the Care

Home are accessing their site during construction from Whiteditch Lane which is making the access situation even worse.

- 8.7 Demonstrable Need: Newport has taken a large number of new developments - a 46% increase so far since 2011- and there is no demonstrable need for any more new homes. In 2011 there were 974 houses in Newport. Since then an additional 444 houses have been approved to be built here, only 88 of which have actually been completed so far. No infrastructure improvements have been implemented to support this increase to the village.
- 8.8 Flooding: There is a significant flood risk; flooding has occurred on numerous occasions in the past on the corner of School Lane and Bury Water Lane. Whilst Environment Agency mapping demonstrates the risk of flooding where capacity is at 100%, the reality is that the riparian owner of the river channel at the bottom of School Lane (ECC) has failed to maintain the channel for decades and consequently the risk is higher than the EA figures suggest. Some clearance work has been completed under the small bridge at the ford but this is insufficient to remove the risk.
- 8.9 Drainage: There is currently no means for surface water to be drained on the Lane, there is an informal collection of culverts and ditches, most of which have been damaged during the recent building works on the lane and no longer function. It is not clear where the ultimate outfall for any surface water would exit the lane, currently water runs down the road surface and pools at the bottom of the lane which is dangerous, particularly in icy conditions. An example of this occurring can be seen here: <https://www.facebook.com/chris.hollidge/videos/10153435604901604/>
- 8.10 A meeting is in the process of being arranged for UDC, Highways, SUDS and flooding teams from ECC and Newport Parish Council to review the cumulative impact of the significant development on Whiteditch Lane however a date has not yet been set and given the complexity of the quantity of sites, land owners and constraints posed by the limitations of the lane these problems will not be easily resolved.
- 8.11 Sewerage: There is no mains drainage for foul water for the majority of Whiteditch Lane, there is also no watercourse for treated effluent to be discharged into. Consequently the majority of housing along Whiteditch Lane is required to use sewage treatment plants / septic tanks and weepers. In the absence of any effective drainage on the lane the land can only take so much and residents at the top of the lane are already experiencing problems with waterlogging on their land.
- 8.12 Air Quality: More traffic from this site will use Wicken Road and air pollution levels at the bottom of Wicken Road are already at dangerous levels. A request has already been made to UDC to extend monitoring of air pollution to Bury Water Lane given the illegal levels that are being recorded on Wicken Road. This development would increase traffic volumes and exacerbate the already illegal levels of air pollution in the village, contravening policy ENV13.

9. CONSULTATIONS

ECC Archaeology

- 9.1 RECOMMENDATION: An Archaeological Programme of Trial Trenching followed by Open Area Excavation
Reason for Archaeological recommendation

The Historic Environment Record and the Historic Environment Characterisation study indicate that the proposed development lies within a potentially sensitive area of heritage assets.

- 9.2 The proposed development lies just outside the suggested limits of the medieval town, however, there is documentary evidence of a castle being in the vicinity (EHER 234). Initially thought to be in the area of the school, however, excavations here have failed to identify any remains in this area. Recent trial trenching to the west of the site identified prehistoric occupation (EHER 48597) with large pit sequences and enclosures. There is the potential that this occupation will extend into the development area
- 9.3 The archaeological work would comprise initial trial trenching to identify the extent and depth of archaeological deposits followed by open area excavation if archaeological deposits are identified. All archaeological work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office

ECC Highways

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

ECC Ecology

- 9.5 I have reviewed the Preliminary Ecological Appraisal Report (Skilled Ecology, updated April 2018) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, particularly swallows and identification of proportionate mitigation. I am satisfied that there is sufficient ecological information available for determination.

10. REPRESENTATIONS

- 10.1 Neighbours were notified of the application by letter on 18th April 2018 and a site notice was displayed on site.
- 10.2 One objection received with the following comments:
 - Backland development
 - Outside settlement boundary
 - Narrow lane
 - Dangerous access
 - Too much development already
 - Lane frequently floods
 - Concerns over bats and other wildlife
 - Unsustainable location

11. APPRAISAL

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

- A Principle of and quantum of development (Policies S7, NPPF)
- B Access (Policy GEN1)
- C Design and amenity (Policy GEN2)
- D Affordable housing and infrastructure provision (Policies H9 and GEN6)

- E Parking (Policy GEN 8)
- F Housing Mix (Policy H10)
- G Drainage and flooding (Policy GEN3)
- H Archaeology (Policy ENV4)
- I Biodiversity (Policy GEN7)

A Principle of and quantum of development (Policies S7, NPPF)

- 11.1 Newport is identified as a key village in the local plan and has been subject to significant development in recent years, particularly to the north-west within the Bury Water Lane/Whiteditch Lane area where the application site is located. The site is approximately 300m outside the village development limits of Newport, as defined on the 2005 Local Plan and is therefore within the countryside for plan purposes, however account must be taken of the significant piecemeal development in recent years that has resulted in adjacent new residential development to the site. It is, however, noted that the site is to remain outside the development limits in the proposed allocations map for the Emerging Local Plan.
- 11.2 ULP Policy S7 applies to the proposal and in a recent appeal on land in Newport, ref: APP/C1570/W/18/3209655, for a proposed development of up to 150 dwellings, dated 30th August 2019, the Inspector considered the relevance of the policy when assessed against paragraph 11(d) of the Framework. The Inspector stated “whilst the Framework takes a positive approach, rather than a protective one, to appropriate development in rural areas, Policy S7 is identified by the Council as being the only policy in the ULP that deals with development in the countryside. It seeks to protect and enhance the natural environment, an important part of the environmental dimension of sustainable development in the Framework. Taking into account these factors, I consider that Policy S7 should be afforded significant weight when considering development proposals in the countryside”.
- 11.3 Policy S7 states that the countryside will be protected for its own sake and that planning permission will only be granted for development that is required to be there or is appropriate to a rural area, adding that there will be strict controls on new building. The policy allows for limited infilling but as the application is not a small gap between existing developments it is not considered to represent an infill site. The policy adds that 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.
- 11.4 The proposal would increase the quantum of development in the area by the addition of four amply proportioned dwellings resulting in the urbanisation of a parcel of land that presently retains a degree of rurality. It is not considered that the proposal protects or enhances the character of the countryside and thus is contrary to the first requirement of Policy S7.
- 11.5 It is further considered that there is no reason why housing needs to be located here, another requirement of Policy S7. In terms of future policy direction towards housing Policy SP3 of the Emerging Local Plan sets out the distribution of housing development to be provided over the Local Plan period up to 2033. This policy seeks to provide 344 new homes within the key villages including an additional 94 homes in Newport within the plan period. Policy NEWP1 allocates a 4.5ha site on land west of London Road for such development and a development for 94 homes was granted permission on appeal on the 27th October 2017, application reference UTT/15/1869/FUL. All other residential sites within the Emerging Local Plan identified

in Newport had planning consent as of 1st April 2017. As such, unless the allocations proposed within the Emerging Local Plan are found to be unsound then no further land is required to be released for housing in Newport during the plan period up to 2033.

- 11.6 Newport Parish Council have objected to the proposal, having cited various reasons with particular concerns about the cumulative impact of development in the area. The Parish Council are in the early stages of preparing a neighbourhood plan, together with the villages of Quendon and Rickling, which contains Policy H1 that does not permit further development on Whiteditch Lane into the open countryside, including onto the school sports ground, accessing or extending the byway. Given the early stage of the neighbourhood plan process no weight can be afforded to this policy at present although it does provide an indication of concern regarding the cumulative development that has taken place within the local area.
- 11.7 It is accepted that the Council are currently unable to demonstrate a five-year housing land supply, with shortfall being around 2.68 years. In such circumstances Paragraph 11d, within the Achieving Sustainable Development section, of the NPPF states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole. Paragraph 180 of the Framework states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts on the environment that could arise from the development. The proposal would be overdevelopment adding to further excessive demands, exacerbated by the spate of recent development in the Whiteditch Lane area, on infrastructure provision and, in further eroding the character of this semi-rural area, would not meet the sustainability criteria with regards to the environmental impact. The identified harm and negative impact that the development would contribute to Newport would not be outweighed by the limited positive contribution to the District's housing supply.
- 11.8 It is noted that applications for a replacement dwelling and an additional dwelling on the site of Branksome on Whiteditch Lane (Reference : UTT/18/3293/FUL), which is adjacent the development site, and a proposed development of eight dwellings at Five Acres on Whiteditch Lane (Reference: UTT/18/2904/FUL) have recently been refused for reasons of the cumulative impact on access and environment. Given the importance of consistency in decision making, and that there are no distinguishing reasons why this application need be determined differently, such grounds for refusal would also apply.

B Access (Policy GEN1)

- 11.9 It is noted that the Highways Authority response received on the 14th June 2018 did not object to the proposed development. Nevertheless it is increasingly apparent that the cumulative impact of development in the area is problematic, as evidenced by the Highways Authorities consultation response to the Five Acres application and their recommendation for refusal.
- 11.10 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

11.11 As with the refused decisions for the sites at Branksome and Five Acres, referenced above, a reason for refusal incorporating the impact upon highway safety is considered to be both reasonable and consistent.

C Design and amenity (Policy GEN2)

- 11.12 Both national and local policy expect developments to be constructed to a high standard of design. Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale form, layout and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate. The guidance set out in Paragraph 127 of the NPPF stipulates that proposed development should function well and add to the overall quality of the area, optimise the potential of the site to accommodate development and be visually attractive as a result of good architecture.
- 11.13 It is not considered that the design of the dwellings is one that can be supported. They have a rather blocky appearance which neither respects the Essex vernacular and the guidance of the Essex Design Guide nor provides a contemporary twist adding an interesting departure to the norm. This is particularly evident with the design for Plot1, which uses a parapet wall with roof setback, and a sprawling single storey element incorporating garaging. The appearances of the other dwellings are also not considered to be compatible with the character of the area.
- 11.14 In other respects the dwellings would be of ample size and be provided with large gardens thus providing an environment which may meet the reasonable needs of all potential users.
- 11.15 With respect to other properties it is considered that there would be no significant adverse effects on the amenity of neighbouring occupiers with respect to daylight, privacy or overbearing impacts due to the location and orientation of the dwellings and the separation distance involved.

D Affordable housing and infrastructure provision (Policies H9 and GEN6)

- 11.16 Local Plan Policy H9 states that the Council seeks to negotiate on a site to site basis an element of affordable housing of 40% of the total provision of housing. This has been effectively superseded by paragraph 63 of the NPPF which states that the provision of affordable housing should not be sought for residential developments which are not major developments. This is defined in the NPPF as development where 10 or more homes will be provided, or the site has an area of 0.5ha.
- 11.17 Policy GEN6 states that development will not be permitted unless it makes provision at the appropriate time for community facilities, school capacity, public services, transport provision, drainage and other infrastructure that are made necessary by the proposed development.
- 11.18 It is the opinion of the Local Planning Authority that the current application can be seen as part of an overall development project of land associated with the ownership of Wyndhams Croft including the adjacent 16 dwellings constructed following the planning permissions UTT/14/2366/OP and UTT/17/1493/FUL. It is also noted that the two Directors of Walden and Land Property, the applicant listed for this application, are also Directors of Amherst Homes Ltd, the developer of the adjacent site. With the provision of 4 houses on this latest development proposal this would

result in a cumulative total of 20 dwellings. The adjacent site was subject to a S106 agreement requiring an educational contribution and 40% affordable housing.

- 11.19 Notwithstanding the above opinion the site, as outlined in red on Drawing Number BRD/18/017/006, measures just under 0.51ha in extent thus qualifying it as a major development on which affordable housing can be sought.
- 11.20 The Essex County Council Developers Guide to Infrastructure Contributions, upon adoption, seeks financial contributions for educational provision on sites of 20+ dwellings. There is also a new requirement for financial contributions for libraries in respect of developments of 20+ dwellings dependant on local circumstances.
- 11.21 The documents submitted with application do not contain any details regarding the provision of affordable housing or infrastructure contributions. The proposal would be contrary to Policies H9, GEN6 and the NPPF.

E Parking (Policy GEN 8)

- 11.22 The ECC adopted parking standards require a minimum of two parking spaces per dwelling and additional visitor parking of 0.25 spaces per dwelling rounded up to the nearest whole number. The ULP standard seeks a maximum of 2 spaces for up to three bed properties and 3 spaces for dwellings with four or more bedrooms.
- 11.23 Each dwelling would be provided with a double garage. Although they would each meet the required width to provide two parking spaces, at just over 6m in usable depth there is a marginal shortfall to the 7m depth requirement of the adopted parking standards. Given that each dwelling would be provided with an external driveway able to facilitate the parking of several vehicles it is considered that the level of parking provision would be in accordance with the requirements of Policy GEN8.

F Housing Mix (Policy H10)

- 11.24 Policy H10 requires that for all developments on sites of 0.1 hectares above or of 3 or more dwellings a significant proportion of market housing comprising small properties. The development would provide five large dwellings, each with five bedrooms, and such a development would not help to support a balanced and sustainable community. The proposal would therefore be contrary to Policy H10.

G Drainage and flooding (Policy GEN3)

- 11.25 The site is contained within Flood Zone 1 as defined by the Environment Agency, land zoned as having the lowest level of flooding. Newport Parish Council states that this does not portray local conditions and that flooding has occurred on numerous occasions in the past on the corner of School Lane and Bury Water Lane and that there is currently no means for surface water to be drained on the Lane.
- 11.26 In terms of foul sewerage the applicant has stated that it will be disposed of with a package treatment plant and that surface water would be disposed of through a sustainable drainage system. The principle of both are considered to be acceptable in this regard and can be conditioned should planning permission be granted. Notwithstanding the concerns of the Parish Council it is considered that the proposed measures would satisfy the requirement of Policy GEN3 and that of the NPPF.

H Archaeology (Policy ENV4)

11.27 Taking into account the comments of the Historic Environment Adviser, it is considered that there is the potential to affect important archaeological remains. Subject to the use of a condition to secure appropriate investigation, it is concluded that the proposal accords with the above policy in relation to archaeology.

I **Biodiversity (Policy GEN7)**

11.28 The applicant has submitted a Preliminary Ecological Appraisal Report (Skilled Ecology, updated April 2018) relating to the likely impacts of development on Protected & Priority habitats and species, particularly barn swallows due to old nests being discovered, and identification of proportionate mitigation. The County ecologist has no objections to the development per se subject to measures to secure a degree of biodiversity enhancement. The proposal is considered to be in accordance with Policy GEN7.

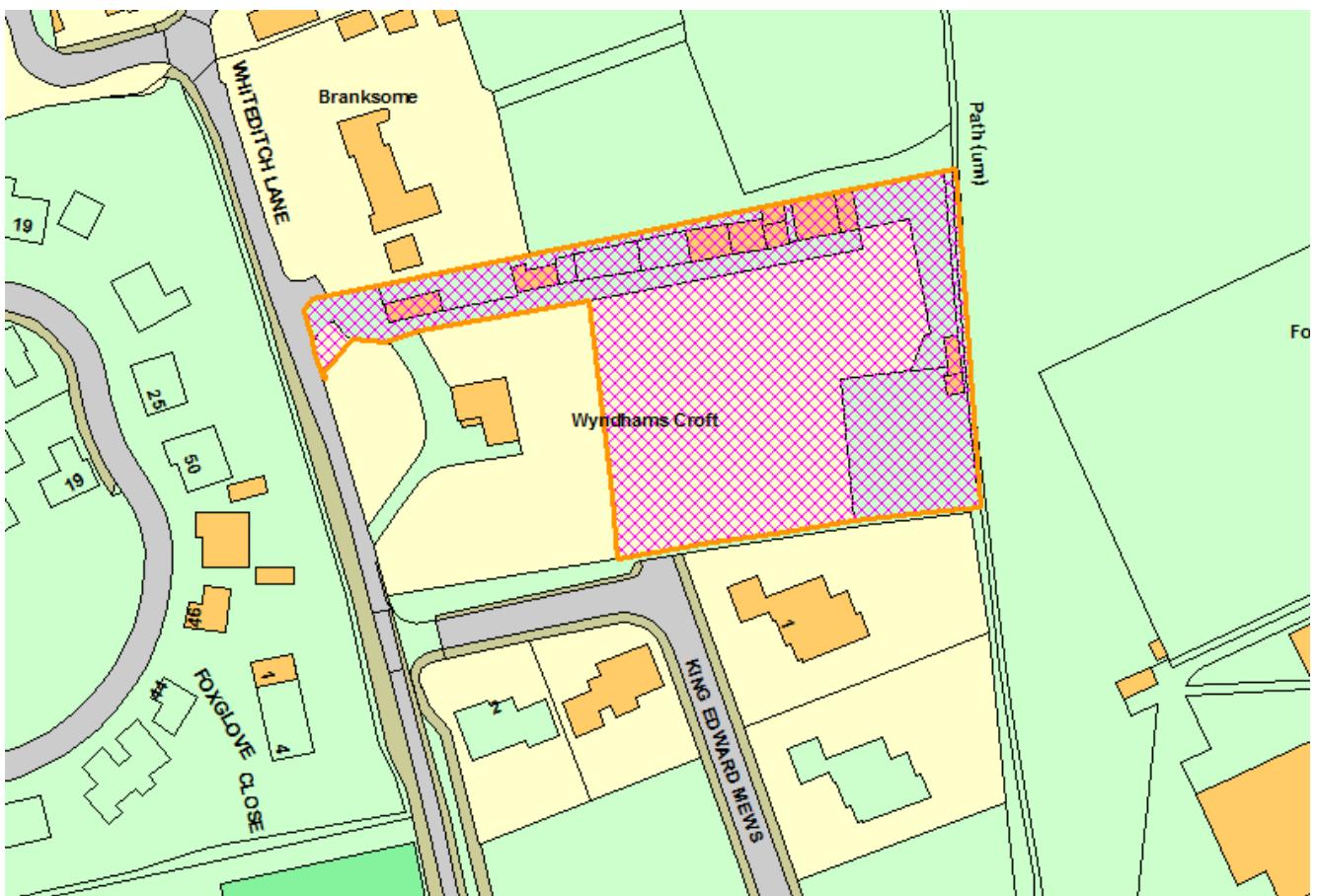
12. CONCLUSION

- A** The application site is within an area where the cumulative impact of further development would be unacceptable.
- B** The design of the proposed dwellings are not considered to be in character with the rural and village nature of this part of the district.
- C** No affordable housing or infrastructure provision has been provided.
- D** The development would not provide a necessary mix of housing to enhance social cohesion.

RECOMMENDATION – REFUSAL

Reasons for refusal

1. The proposal would exacerbate further the cumulative impact of development in Whiteditch Lane and Bury Water Lane resulting in significant detrimental harm upon matters of highway and pedestrian safety and harm to the rural countryside setting of the area contrary to Policies GEN1 and S7 of the Uttlesford Local Plan 2005 and Paragraphs 109 &180 of the National Planning Policy Framework 2019.
2. The dwellings have an unsatisfactory blocky appearance failing to respect the local vernacular resulting in an incongruous development harmful to this rural countryside setting contrary to Policy GEN2 of the Uttlesford Local Plan 2005 and Paragraph 127 of the National Planning Policy Framework 2019.
3. No contributions have been proposed to secure appropriate affordable housing and infrastructure provision contrary to Policies H9, GEN6 and GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2019.
4. The proposed development fails to address the housing mix requirements of the District and would therefore have an adverse effect on the community contrary to Policy H10 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2019.



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Organisation: Uttlesford District Council
Department: Planning
Date: 23rd October 2019

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Agenda Item 14

UTT/19/2340/HHF – 21 Blythwood Gardens

(Referred to Committee by Cllr Dean)

PROPOSAL: **Section 73A Retrospective application for the erection of a summer house in rear garden**

LOCATION: **21 Blythwood Gardens, Stansted, Essex CM24 8HQ**

APPLICANT: **Mr D Brown**

AGENT: **Mr James Lambert**

EXPIRY DATE: **14 November 2019**

CASE OFFICER: **Rosemary Clark**

1. NOTATION

1.1 Part within development limits/part Metropolitan Green Belt

2. DESCRIPTION OF SITE

2.1 The application site comprises a two storey semi-detached property that is currently undergoing extensions and alterations that have previously been approved. The property has a large rear garden that is bordered with mature planting and fencing.

3. PROPOSAL

3.1 This application relates to the retention of the existing "summer house" outbuilding that has been constructed and is currently being used at the end of the rear garden. The structure is a large chalet style building with a verandah and is on a raised platform.

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. APPLICANT'S CASE

5.1 None

6. RELEVANT SITE HISTORY

6.1 UTT/18/3170/HHF – Demolition of single storey side and rear extensions. Erection of front extension, replacement porch, two storey side extension and a single storey and two storey rear extensions (amendments to previously approved application UTT/18/1555/HHF) – approved 11.1.2019

7. POLICIES

- 7.1 **Uttlesford Local Plan 2005**
- 7.2 S1 – Development within development limits
S6 – Protecting the Greenbelt
GEN2 – Design
H8 Extensions

7.3 **Supplementary Planning Documents/Guidance**

Home Extension 1

7.4 **National Policies**

National Planning Policy Framework

Other Material Considerations

- 7.5 Emerging Local Plan –
SP10 – Protection of the Countryside
D1 – High Quality Design

8. PARISH COUNCIL COMMENTS

- 8.1 No comment

9. CONSULTATIONS

LANDSCAPE OFFICER

- 9.1 Landscape officer consulted – expired 10.10.19 – Verbal comments – No objection

10. REPRESENTATIONS

- 10.1 4 Neighbours were notified of the application by letter – expired 10.10.19. The following concerns have been raised in the submitted representations:

- Inaccurate information on application form – building being used for living accommodation for approximately 7 months
- Use as separate residential unit
- Overlooking
- Trees to rear

11. APPRAISAL

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

- A Whether the development adversely impact sthe character and appearance of the locality and the Metropolitan Green Belt) ULP Policy S1 and S6
- B Whether the development adversely impacts neighbouring residential amenity (ULP Policy GEN2 and H8)
- A Whether the development adversely impacts the character and appearance of the locality and the Metropolitan Green Belt**

- 11.1 The site is situated part within development limits and part within the Metropolitan Green Belt. The area where the building is situated is within the area is designated as Green Belt. Therefore ULP Policy S6 would apply.
- 11.2 The proposed structure is already in situ and has been for some time. It is situated within the rear garden of the property. It would appear that the building is currently being used as some sort of living accommodation whilst the property is being updated. Previous permission was granted for the extension and alteration of the existing property. It was clear on the site visit that works are in progress.

The structure is on a larger scale than would be expected although having said that the garden is of a sufficient size to not be out of proportion. Whilst the introduction of large structures within the Metropolitan Green Belt has to be considered carefully, this is not a new dwelling but an ancillary building within the existing recreational garden and its location with access only through the rear garden of no. 21 would make it unsuitable to be used as a separate residential dwelling of which planning permission would need to be sought.

The other consideration is that a building of this size, could possibly be constructed under the Permitted Development Rights of the property. Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) which allows for structures to be erected provided they meet certain criteria. This particular building would fail as it has a verandah and is on a raised platform, but the actual size and purpose of the building, ancillary to the main accommodation would meet the criteria of Permitted Development.

The height of the structure when measured from the plans is just under 3.5m to the ridge from ground level and to the eaves 2.5m. This is within the limits of Permitted Development.

B Whether the development adversely impacts neighbouring residential amenity

- 11.3 Therefore the main issues are whether the inclusion of the raised platform and verandah would result in unacceptable lack of privacy or overlooking on the neighbouring residential amenity space.
- 11.4 The building is situated right at the end of the garden. There is close boarded fencing and planting to the side boundaries and given the distance from the properties and the amenity space closest to the neighbouring living accommodation it is not considered that there is an unacceptable loss of privacy or overlooking as a result of this development.
- 11.5 The Landscape Officer has been consulted and confirms that the trees are not protected by a Tree Protection Order. He raises no concerns regarding this development with respect to landscaping.
- 11.6 The appearance of the structure being of a light colour does make the structure appear more imposing and therefore a condition would be attached to any approval to ensure that the building is stained a dark colour within 3 months of the decision.

12. CONCLUSION

The development is acceptable in terms of size, scale and form and would not have an adverse impact on the residential amenity of the neighbouring properties. The character and appearance of the locality would not be harmed as a result of this proposal. It is therefore considered that the development is acceptable and complies with ULP Policies S6 and GEN2.

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

- A** The outbuilding is to the rear and not visible from the public realm therefore the character and appearance of the location and Metropolitan Green Belt would not be harmed.
- B** The nature and location of the building results in no adverse impact on the residential amenity of the neighbouring properties.

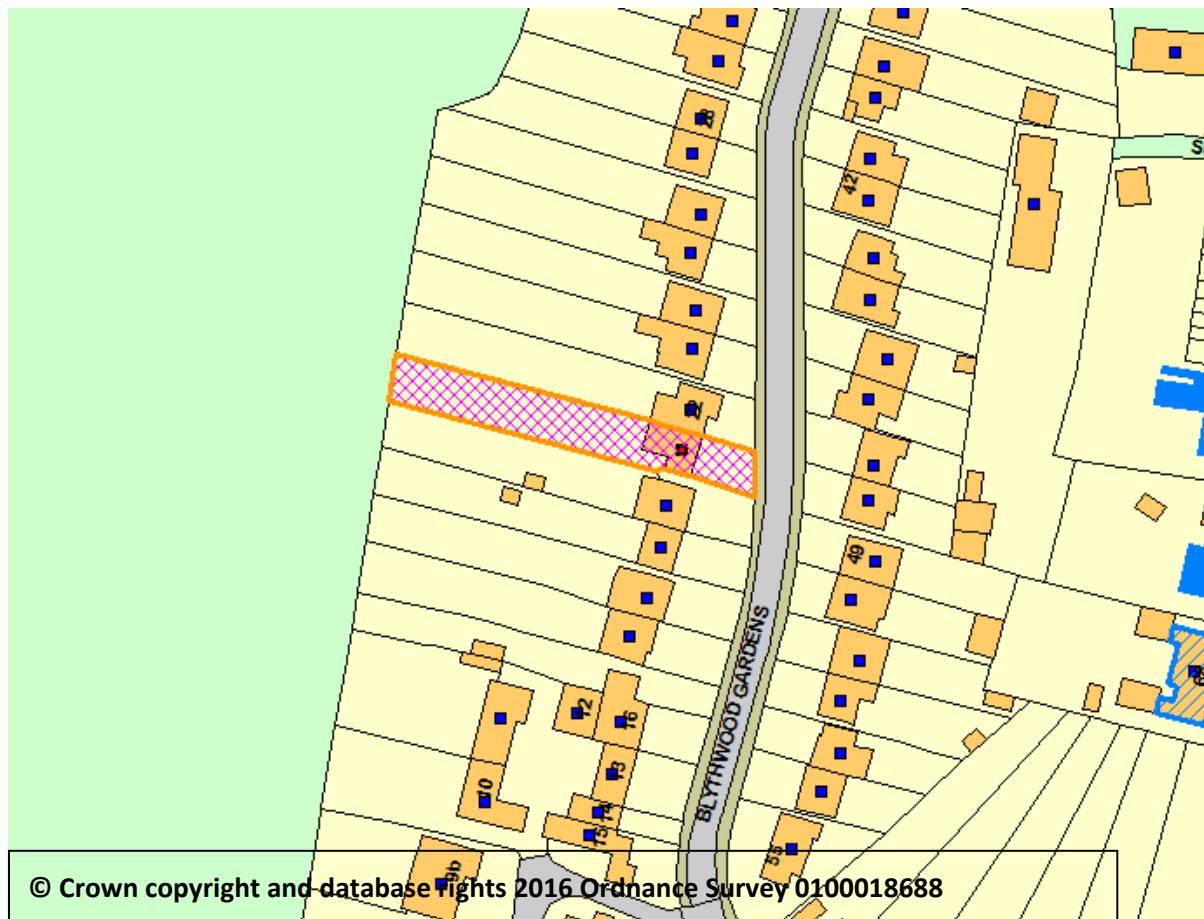
RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

1. Within 3 months of the date of this decision notice the building shall be painted/stained a dark colour, details to be submitted and approved in writing by the Local Planning Authority.
REASON: In the interest of the appearance of the development in accordance with ULP Policy S6 and GEN2.

Application: UTT/19/2340/HHF

Address: 21 Blythwood Gardens, Stansted, Essex



Organisation: Uttlesford District Council

Department: Planning

Date: 17.10.19

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