



Uttlesford District Council

Chief Executive: Dawn French

Planning Committee

Date: Wednesday, 19th February, 2020

Time: 10.00 am

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, G LeCount,
M Lemon (Vice-Chair), J Loughlin, R Pavitt, N Reeve, A Storah and
M Sutton

Substitutes: Councillors S Barker, A Gerard, N Gregory, R Jones, B Light,
E Oliver, G Sell, M Tayler and J De Vries

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.

Please note, it is anticipated that the meeting will be adjourned at 1.00pm to break for lunch; the meeting will then recommence at 2.00pm to consider the remaining items on the agenda.

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

4 - 9

To consider the minutes of the previous meeting held on 15 January 2020.

3 UTT/18/3524/FUL - Bambers Green Road, Takeley

10 - 24

To consider application UTT/18/3524/FUL.

- 4 UTT/18/3525/LB - Bambers Green Road, Takeley 25 - 29**

To consider application UTT/18/3525/LB.

- 5 UTT/19/2159/FUL - Sheering Road, Hatfield Heath 30 - 38**

To consider application UTT/19/2159/FUL.

- 6 UTT/19/1802/OP - Land off Broadway, Great Dunmow 39 - 62**

To consider application UTT/19/1802/OP.

- 7 UTT/19/2118/OP - Land East and North of Clifford Smith Drive, Felsted 63 - 87**

To consider application UTT/19/2118/OP.

- 8 UTT/19/2993/OP - Old Mead Road, Henham 88 - 98**

To consider application UTT/19/2993/OP.

**ANTICIPATED ADJOURNMENT FOLLOWING ITEM 8 AT 1.00PM;
THE MEETING WILL RECOMMENCE AT 2.00PM.**

- 9 UTT/19/0573/OP - Land to the South West of London Road, Little Chesterford 99 - 143**

To consider application UTT/19/0573/OP.

- 10 UTT/19/2355/DFO - Land East of Thaxted Road, Saffron Walden 144 - 241**

To consider application UTT/19/2355/DFO.

- 11 UTT/19/2809/FUL - Monk Street, Thaxted 242 - 248**

To consider application UTT/19/2809/FUL.

- 12 UTT/19/2793/LB - Church Street, Saffron Walden 249 - 254**

To consider application UTT/19/2793/LB.

- 13 UTT/20/0136/NMA - Chesterford Park, Little Chesterford 255 - 258**

To consider application UTT/20/0136/NMA.

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Agenda Item 2

**PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES,
LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 15
JANUARY 2020 at 2.00 pm**

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

Officers in attendance: A Bochel (Democratic Services Officer), N Brown (Development
Manager), K Denmark (Development Management Team
Leader), E Smith (Solicitor) and C Tyler (Planning Officer)

Public speakers: Councillors Driscoll and Tayler, J Adams, S Amico, D Baker, J
Bellafield, W Brazier, M Bulling, I Butcher, C Day, J Emanuel, J
Fulcher, J Hartley-Bond, R Haynes, P Hewitt, D MacPherson, S
Ryan, J Salmon, P Uragallo and M Williams

PC94 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillor Fairhurst.

Councillor Bagnall declared a personal non-pecuniary interest as a ward member for Little Canfield.

Councillor Sutton declared a personal non-pecuniary interest as a ward member for Takeley and a parish councillor for Takeley.

Councillor Gerard declared a personal non-pecuniary interest as a ward member for Newport, a member of Newport Parish Council and a member of the Newport and Quendon and Rickling

Councillor Lemon said he would be recusing himself from item 7 and declared a personal non-pecuniary interest as he knew the applicant.

Councillor Merifield said she would be recusing herself from item 5 and declared a personal prejudicial interest as the landowner was a family friend.

PC95 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting on 18 December 2019 were approved and signed as a correct record subject to the following amendments:

PC82 – Cllr Gerard recalled that he gave Cllr Fairhurst's apologies.

PC93 and PC93 – The application title incorrectly stated the ward as Barnston. The location was High Easter.

PC96

UTT/19/1064/DFO - LAND AT HOLMWOOD, WHITEDITCH LANE, NEWPORT

The Planning Officer gave a summary of the report which proposed approval of the reserved matters following outline application UTT/15/0879/OP for 12 dwellings (allowed on appeal under reference APP/C1570/W/15/3137906). This included layout, scale, appearance and landscaping. The details of access to the site had already been considered and allowed under the above planning application.

Councillor Gerard proposed deferral of the application. Councillor Pavitt seconded this motion. This vote did not pass.

Councillor Caton proposed approval of the application. Councillor Freeman seconded this motion.

RESOLVED to approve this application subject to the conditions in the report and the following additional conditions

- 1) Full fibre broadband connections shall be installed at each of the houses hereby approved. These shall be provided, fully wired and connected, ready to use before first occupation.

REASON: The requirement of the broadband connection is required to provide advanced, high quality and reliable communications infrastructure for economic growth and social well-being. This is in accordance with Paragraph 112 of the NPPF (2019).

- 2) Within 3 months of the commencement of the development hereby permitted or other such period as agreed by the local planning authority details of the suitability of roof mounted PV solar panels to be used throughout the development shall be submitted to and approved in writing by the local planning authority. These suitable measures shall be implemented during the construction of the development and completed prior to the occupation of the development, unless otherwise previously agreed in writing by the local planning authority.

REASON: These measures are required to identify suitable areas for renewable and low carbon energy sources, and supporting infrastructure in accordance with paragraph 151 (b) of the NPPF (2019).

J Emanuel spoke on this item.

PC97

UTT/19/2257/FUL - THE NEW FARM HOUSE, KEERES GREEN, AYTHORPE RODING

The Planning Officer gave a summary of the report which sought full planning permission for a four-bedroomed detached house with an attached single garage, following outline approval in application UTT/17/2513/OP.

Members expressed concern that the application was contrary to policy GEN2 (Design) and aspects of the National Planning Policy Framework.

RESOLVED to refuse this application for the following reason:

The proposed house; by reasons of its scale, bulk, proximity of built form to boundaries and proportion of built form to open setting, arrangement of projecting single storey front bay being incongruous with forms of neighbouring houses and failure to respect a visual front building line; would result in significant harm to the visual amenity and character of the site and its setting thereby failing to achieve good design. As such the proposal is contrary to Policy GEN2 of the adopted Local Plan and the provisions of the National Planning Policy Framework especially at paragraphs 124 and 130.

S Ryan spoke on this application.

PC98 **UTT/19/1166/OP - LAND TO THE SOUTH OF STORTFORD ROAD**

Councillor Merifield left the room for consideration of this item.

The Development Management Team Leader gave a summary of the report which proposed approval of a hybrid application relating to two phases of development. Area A sought detailed planning permission for a new Council Depot comprising vehicle workshop, office building, external storage, ground maintenance storage, parking, landscaping and supporting infrastructure. Access was proposed to be taken from Area B leading onto the B1252.

Members expressed concern that the proposal was contrary to policy S7 (Countryside) and the NPPF as it was located in the countryside.

Members expressed concern that the application would have an unacceptable impact on nearby listed buildings and was therefore contrary to policy ENV 2 and the NPPF.

Members expressed concern that noise and air pollution produced by the development would make the application contrary to policies GEN2 (Design) and GEN4 (Good Neighbourliness) and to the NPPF.

Members also expressed concern that the application was contrary to policy GEN6 (Infrastructure Provision to Support Development) because it failed to mitigate for the increase in pressure on infrastructure that it would cause.

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

RESOLVED to refuse the application for the following reasons:

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

Councillor G Driscoll, P Uragallo, D Adams, M Bulling, I Butcher, C Day, J Fulcher and J Bellafield spoke on this application.

Councillor Merifield returned to the room.

PC99 UTT/19/1864 - TERRIERS FARM, BOYTON END, THAXTED

The proposal related to the erection of a solar farm which would consist of rows of photovoltaic (PV) panels running east to west across the site. The development would have an operational lifespan of 40 years.

Members requested a Section 106 Obligation including a clause covering the decommissioning after 40 years including a respective bond for the works.

Councillor Gerard proposed approval of this application. Councillor Lemon seconded this motion.

RESOLVED to approve this application subject to the conditions in the report and the additional Section 106 Obligation.

Councillor Tayler, D MacPherson, W Brazier, R Haynes and J Hartley-Bond spoke on this application.

PC100 UTT/19/2159/FUL - GLADWYNS FARM, SHEERING ROAD, HATFIELD HEATH

Councillor Lemon left the room for this item.

The Planning Officer gave a summary of the report which recommended approval of Section 73A retrospective permission for continued use of the B2/B8 building, ancillary buildings and associated yard area.

Councillor LeCount proposed deferral of this item for a site visit. Councillor Freeman seconded this motion.

RESOLVED to defer this application for a site visit.

S Amico, D Baker and J Salmon spoke on this application.

Councillor Lemon returned to the room.

PC101 UTT/18/3524/FUL - FROGS HALL, BAMBERS GREEN ROAD, TAKELEY

The proposal was to demolish a non-original rear wing to the Listed Building, demolish modern commercial style buildings to the rear of the house and erect detached houses in a backland position relative to the Listed house.

Members were of the opinion that they had not been provided with enough information to make an informed decision.

The Chair proposed to defer this application for a site visit and a more detailed report to be provided to Members. Councillor Storah seconded this motion.

RESOLVED to defer this application for a site visit.

P Hewitt and M Williams spoke on this item.

PC102 UTT/18/3525/LB - FROGS HALL, BAMBERS GREEN ROAD, TAKELEY

The proposal was to demolish the extensions to the listed building and retain it as a single dwelling.

Members were of the opinion that they had not been provided with enough information to make an informed decision.

Councillor Gerard proposed to defer this application for a site visit and a more detailed report to be provided to Members. Councillor Pavitt seconded this motion.

RESOLVED to defer this application for a site visit.

The meeting closed at 18.45.

UTT/18/3524/FUL - TAKELEY

(Referred to Committee as more than 5 dwellings)

PROPOSAL:	Demolition of extensions to the listed building and its retention as a single dwelling, demolition of existing outbuildings and the erection of 6 detached dwellings.
LOCATION:	Frogs Hall, Bambers Green Road, Takeley
APPLICANT:	Winston Group
AGENT:	DLA Town Planning Ltd
EXPIRY DATE:	27th February 2019 (extension of time until 17th January 2020)
CASE OFFICER:	Jonathan Doe

1. NOTATION

- 1.1 Countryside Protection Zone
Outside defined development limits
Frogs Hall is a Listed Building
A number of trees at the front of the site are the subject of TPO's and there is a blanket TPO to the rear of the site and to the southern side.
Bambers Green Road is a Protected Lane south from the site to Stortford Road.
Within 2km of SSSI

2. DESCRIPTION OF SITE

- 2.1 The site is in a rural location to the northeast of Takeley. The A120 is to the north of the site.
- 2.2 The site is at the southern end of a cluster of development which includes significant built form of the former Frogs Hall Riding School (also known as Bambers Green Riding School) and two residential properties; The Lodge and Frogs Hall Farmhouse. The riding school also had a livery though the premises as a whole are now vacant. The broader setting of the site is one of agricultural fields; the A120 not far to the north is in a cutting with Bambers Green Road passing over on a bridge.
- 2.3 The site is a residential site, Frogs Hall is a house. Attached to the house, to the rear, is an annex with the postal address of The Staff House, Frogs Hall. The occupier of the house has a business involving firearms and the rear of the house has been used as a workshop. However, the scale of the business in proportion to the size of the site and the intensity of use are such that this could not reasonably be considered to be an employment site. The rear of the site is considered to effectively be vacant and is becoming overgrown, as is the immediate grounds to the house to the front of the site.
- 2.4 The site of the former Frogs Hall Farm Riding School is immediately beyond the northern boundary of the site. The site shares a vehicular access to the highway with this site to the north. Further to the north is Frogs Hall Farm.
- 2.5 The development site has an area of 0.96ha.

3. PROPOSAL

- 3.1 The proposal could be summarised as consisting of demolishing a non-original rear wing to the Listed Building, demolishing modern commercial style buildings to the rear of the house and erecting detached houses in a backland position relative to the Listed house.
- 3.2 Six new houses would be built and Frog's Hall itself would be renovated. Three of the houses would have 3 bedrooms and three of the houses would have 4 bedrooms. An existing dwelling or annex to Frogs Hall, The Staff House, would be removed with the demolition of the western wing. However, an outbuilding near the house, at one time the coach house, would be converted to annex type accommodation.
- 3.3 The new houses would be to a contemporary design, the application documentation states that the design of the dwellings has been influenced by the appearance of traditional barns. As such they are based on a narrow rectangular plan would be of two-storey with a pitched roof design.
- 3.4 Three car ports would be to a design to resemble cart lodges.
- 3.5 The proposed houses would have a combined footprint of 741 sq m. Although the houses would be two-storey, it would not follow that the floorspace would be double the figure for footprint because the internal design of three of the houses; on plots 2, 5 and 6; includes a double height ceiling to the entrance halls, with a balustrade to the landing. Nevertheless, it seems clear that the residential floorspace involved in this proposal exceeds a figure of 1,000 sq m for combined gross internal area referred to at Policy H6 of the Regulation 19 Local Plan.
- 3.6 Frogs Hall would retain its existing vehicular access. The proposed houses would use an existing vehicular access onto Bambers Green Road which is a common access to The Lodge, the former riding school and a secondary access to Frogs Hall.
- 3.7 An internal access road would be provided as a shared surface. Each dwelling would be provided with two parking spaces. Visitor parking would also be provided.

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 Would contribute to housing supply at a time when the local planning authority cannot demonstrate a five year supply of housing land. Six appeal decisions are cited in support of the proposal.
- 5.2 This is a brownfield site; previously developed land from a firearms business from 1992 to 2011. Development of this brownfield site would reduce pressure on greenfield sites. It is considered that this use would fall within Class B2 / B8. The historic use of the site has no restriction on such matters as hours of operation or open storage.
- 5.3 Existing commercial buildings would be demolished. At paragraph 6.2.2 of the Planning Statement it is stated that buildings with a footprint of 994 sq m and a volume of 4,196 cubic metres would be demolished.

- 5.4 Services are nearby, at Takeley, Little Canfield and the Priors Green extension to the settlement.
- 5.5 The setting of a Listed Building would be enhanced; the demolition would better reveal the qualities of the original building.
- 5.6 The site forms part of a well screened parcel of land. A landscape impact assessment report forms part of the submitted documentation.
- 5.7 An Arboricultural Report forming part of the submitted documentation concludes that trees at the site are generally low quality or unremarkable. Extensive and detailed documentation regarding landscaping has been submitted as part of the application.
- 5.8 The housing would provide a high standard of amenity to future occupiers.
- 5.9 The application acknowledges that further survey work would be required to determine whether bat roosts are present in buildings. A badger sett has been identified and would need to be monitored to confirm that it is disused. Nevertheless, measures for biodiversity enhancement are included in the scheme. A preliminary ecological appraisal has been submitted as part of the application documentation.

6. RELEVANT SITE HISTORY

- 6.1 No relevant history.

7. POLICIES

Uttlesford Local Plan (2005)

S7 - The Countryside
 S8 - The Countryside Protection Zone
 GEN1 – Access
 GEN2 – Design
 GEN7 - Nature Conservation
 GEN8 - Vehicle Parking Standards
 ENV2 - Development affecting LB
 ENV3 - Open spaces and trees
 H4 - Backland development

Supplementary Planning Documents/Guidance

SPD2 - Accessible homes and play space
 ECC Parking Standards DGP09/200
 Uttlesford Local Parking Standards

National Policies

National Planning Policy Framework

Other Material Considerations

Letter from Natural England dated 5th April, 2019 (reference HatFor Strategic Interim LPA)

8. PARISH COUNCIL COMMENTS

8.1 Takeley Parish Council object to this application for the following reasons:

1. In the curtilage of a listed building in a Countryside Protection Zone. Not in keeping with the current area.
2. Overdevelopment of site with six houses crammed on a minor road.
3. Access issues onto a minor road providing poor access either end.
4. Single track road that accesses on to the B1256 which will have difficulty sustaining the level of traffic that will result from this number of housing, and associated visitors.

9. CONSULTATIONS

Historic Environment Team, ECC Place Services

9.1 Whilst I have no objection in principle to the proposed demolition of the modern outbuildings and the modern extension to Frogs Hall, the proposed development of the site is considered detrimental to the understanding of Frogs Hall as a historic hall house: a high status building enclosed by ample amenity space. Development to the rear of Frogs Hall has traditionally comprised of buildings associated with the host dwelling, clustered around the north extent of the application site and it is recommended that this be retained, facilitating the appreciation of Frogs Hall's historic rank. Further to this, the proposed scheme would lead to the overdevelopment of the plot and the saturation of a listed building's setting with built form, curtailing its curtilage and at odds with the traditionally open character of the building's surrounds.

9.2 For the above, the scheme is considered to cause "less than substantial harm" to a designated heritage asset and paragraph 196 of the NPPF is relevant.

Essex County Council Ecology

9.3 Initially a holding objection was received due to insufficient ecological information. A bat survey report was subsequently received and ECC Ecology was consulted on this.

9.4 Specialist advice in response to the bat survey commented that two trees had potential to be suitable for bats but had not received the requisite survey (one of the trees concerned was said to be not safe to climb due to its fragile nature). Information was not clear with regard to a third tree. The ecological advisor recommended that the proposed plans be updated to demonstrate the retention of the trees referred to above or an additional bat survey report be submitted.

9.5 Such amended plans were subsequently received and a written response has been received from the ecological advisor (letter dated 9th December 2019) which has no objection subject to securing biodiversity mitigation and enhancement measures.

9.6 As this application is for less than 50 dwellings, it is currently considered that there is not a requirement for a developer contribution towards a package of funded Strategic Access Management Measures at Hatfield Forest.

Stansted Airport Limited

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

Essex County Council Sustainable Drainage

- 9.8 Having reviewed the planning application and the associated documents which accompanied the planning application, we have identified that this is not a major application and therefore we shall have no further comments accordingly in relation to this application. However please consider conditions/informative to address sustainable drainage.

Essex County Council Archaeology

- 9.9 Conditions recommended regarding a programme of building recording and a programme of archaeological trial trenching and excavation.

Crime Prevention Tactical Advise

- 9.10 Whilst there are no apparent concerns with the layout, 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.
- 9.11 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 This application has been advertised by a site notice posted on 29 January 2018 and letters were sent to neighbouring properties on 23 January 2018. The notification period expired on 19 February 2019. No representation has been received.

11. APPRAISAL

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

- A Principle of development (NPPF; Local Plan Policies S7, S8 and H4)
- B Development affecting listed building (NPPF; Local Plan Policy ENV2)
- C Impact to protected trees (NPPF; Local Plan Policy ENV3)
- D Contaminated land (Local Plan Policy ENV14)
- E Archaeological matters (Local Plan Policy ENV4)
- F Design and amenity (NPPF; Local Plan Policy GEN2)
- G Site bio-diversity (NPPF; Local Plan Policy GEN7)
- H Access and parking (Local Plan Policies GEN1 and GEN8; Essex Parking Standards; and, Uttlesford Parking Standards)
- I Other material planning considerations (Emerging Local Plan)

A Principal of development (NPPF, Local Plan Policies S7, S8 and H4)

- 11.1 The Local Plan places the site as being outside any settlement limit (i.e. within the open countryside) and so Policy S7 applies to the proposal. Both the Local Plan and the NPPF recognise that the countryside needs to be protected for its own sake; however, this view does not amount to a bar to development in such areas.
- 11.2 Policy S7 states that development in the countryside will be permitted if it needs to be there, or it is appropriate to a rural area. A residential development for commercial gain would not meet either of the policy's two criteria.

- 11.3 Policy S8 relates to an area around Stansted airport where planning permission will only be granted if it needs to be there, or it is appropriate to a rural area. There will be strict control on new development. In particular development will not be permitted if new buildings would promote coalescence between the airport and existing development or if development would adversely affect the open characteristics of the zone. The site is a self-contained site with strong natural boundaries set amongst agricultural fields; the proposal would not promote coalescence. Essentially because of the treed nature of the site, the proposal would not adversely affect the open nature of the broader setting of the site. A landscape and visual impact assessment by Chris Davenport dated December 2018 forms part of the application documentation. Furthermore, Policy S8 relates to an area with a locally determined boundary and therefore has no implication in relation to the NPPF. Accordingly Policy S8 is considered to have only moderate weight.
- 11.4 Since the Council adopted the Local Plan, the government has published the National Planning Policy Framework (NPPF) in 2012 and updated in 2018. The Council's own compatibility assessment of the Local Plan in relation to the NPPF's new requirements showed that Policy S7 is partly consistent with the NPPF. Accordingly, Policy S7 only carries moderate weight.
- 11.5 The NPPF takes a less prescriptive approach to development in the countryside, especially, as is the case for Uttlesford District Council, local planning authorities cannot demonstrate a five year supply of deliverable housing land. The Council's most recent housing trajectory in October 2019 calculated that the Council had around 2.68 years' worth of land for housing. In such circumstances, the NPPF's so called tilted balance to sustainable development applies which is set out in paragraph 11 of the NPPF.
- 11.6 The Council is unable to demonstrate a five year supply of housing. Accordingly, this proposal involving the provision of six additional dwellings is considered to have some merit with regard to the aspect of housing supply.
- 11.7 The impacts of the scheme on a heritage asset are discussed below. The scheme would ensure the long-term viability of the listed building Frog's Hall. The scheme has been carefully considered in terms of its impacts and it is considered that the proposals would not result in a significant environmental harm. Overall, it is considered that the proposals would represent sustainable development.
- 11.8 Whilst the arrangement of the proposal could be described as backland development, Policy H4 states that development of a parcel of land that does not have a road frontage will be permitted subject to a number of criteria. These are all met in this case: the proposal would make more effective use of land; there would be no material overlooking or overshadowing of neighbours; no overbearing effect on neighbours; and, access would not cause disturbance to nearby properties. With regard to the last criterion, there would be greater use of a shared vehicular access but this could only have any affect to one neighbour, The Lodge. There is a distance of some 24m between the side elevation of The Lodge and the shared vehicular access.

B Development affecting a listed building (Local Plan Policy ENV2; NPPF)

- 11.9 Frog's Hall is a Grade II listed building. The property is thought to have 16th century origins, but was known as 'Mortivals' at the later part of the 19th century.
- 11.10 Essex County Council, Place Services has commented in writing on the proposal.

- 11.11 The letter concludes that the scheme is considered to cause “less than substantial harm” to a designated heritage asset and paragraph 196 of the NPPF is relevant. This paragraph of the NPPF states “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”
- 11.12 The listed building itself would be retained as a single dwelling. The removal of later additions and the enhancement of the immediate setting will result in the creation of an attractive dwelling which will be more manageable on its reduced footprint, and closer to its original size and character.
- 11.13 The proposals involve the removal of a large amount of added extension at the rear of the existing listed building. These additions have been added piecemeal over previous decades and they do not possess historic or architectural interest. Removing them will better reveal the special interest of the principal building and enable its immediate setting to be opened up to create a more attractive context.
- 11.14 Specialist advice is that the scheme is considered to cause “less than substantial harm” to the significance of a heritage asset and paragraph 196 of the NPPF is relevant.
- 11.15 The NPPF requires a balance to be applied in the context of heritage assets, including the recognition of potential benefits accruing from a development. In the case of proposals which would result in “less than substantial harm”, paragraph 196 provides the following: “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.”
- 11.16 Whilst the misgivings of the specialist advisor are noted, the specialist advice concludes that the proposals are considered to cause less than substantial harm to a designated heritage asset and as such paragraph 196 of the NPPF is relevant. This paragraph refers to any harm being weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. A residential use as a property of a manageable size would ensure that the building would be maintained in a good condition and that it would ensure the long term retention and preservation of the form of the original house.
- 11.17 At the time of the site visit the house was vacant. The house appeared to have been closely associated with the business use involving the former agricultural buildings which latterly had a commercial use. It is considered that the proposals, involving the house reverting to a family type property of a manageable scale would avoid the house remaining vacant and declining further in terms of its maintenance.
- 11.18 The proposal is considered to be acceptable with regard to Policy ENV2.

C Impact to protected trees

- 11.19 Specialist landscaping advice was sought on the proposal. No objection has been received to date. A tree plan and a tree protection plan have been submitted as part of the application documentation. The proposed houses would have generous gardens and the houses would be laid out around a courtyard. Specimen trees would be retained as part of the proposals.

D Contaminated land (Local Plan Policy ENV14)

- 11.20 Paragraphs 178-180 of the NPPF require that planning decisions should ensure that a site is suitable for its proposed use based on any potential risks from contamination (amongst other

factors), and this factor is particularly true for residential development. Where land is suspected to be contaminated then the applicant is obliged to carry out an assessment to determine the risk and proportionate measures to mitigate against such risk.

- 11.21 The site was partly used for a firearms shooting range which had the potential to contaminate the site with heavy metals and hydrocarbons. Previous uses of the site suggest that land may be contaminated, which is often a common feature of a brownfield site. Further examination by means of intrusive works is recommended by a specialist report forming part of the application documentation and accordingly a condition to any planning permission to require a Phase 2 investigation is considered to be reasonable and necessary.

E Archaeological matters (Local Plan Policy ENV4)

- 11.22 Specialist archaeological advice recommends conditions regarding a programme of building recording and a programme of archaeological trial trenching and excavation.

F Design and amenity (NPPF; Local Plan Policy GEN2)

- 11.23 Policy GEN2 seeks to ensure that development proposals are of a good standard of design and would not result in harm to residential amenity of existing properties. Securing good design is also a thrust of the NPPF, being a key aspect of sustainable development.

- 11.24 The houses and carports would be to a contemporary style with simple forms (all the houses would have a simple gable roof above a rectangular plan with no bays) and large blocks of fenestration to asymmetric but organically balanced arrangements. External materials would be timber cladding, some facing brickwork and zinc standing seam roofing. Simple canopies would define entrance doors. Some of the houses would have roof lights but these would all be set such that the lower edge of the roof light would be above head height. The houses would have relatively low eaves heights, 4.5m. Roof lights would be used to illuminate non-habitable rooms on the first floors.

- 11.25 The Architects have produced a good standard of design as required by policy.

- 11.26 Each house would have sufficient amenity space. Parking is discussed in its own section with vehicular access matters.

Plot	Bedrooms	Garden size sq m	Parking spaces
1	3	375	2
2	4	275	2
3	3	120	2
4	3	120	2
5	4	650	2
6	4	750	2

- 11.27 In addition to private provision for each house there would be an area of communal space where trees would be retained and around which the houses would be set in a manner echoing farm buildings around a farm yard. The existing house of Frog's Hall would retain a private garden to the rear of some 1,750 sq m. Four visitor parking spaces would also be provided.

- 11.28 There would be no adverse impact on residential amenity due to overlooking or overbearing impact. However, this is due in part to the careful arrangement of houses and arrangement of first floor windows. In the light of this, and to assist in ensuring that trees on the site are retained, removal of Permitted Development rights by means of a condition is considered, on balance, to be reasonable.

G Site biodiversity (NPPF, Local Plan Policy GEN7)

- 11.29 Local Plan Policy GEN7 requires applicants to show that the development would not have a harmful effect on wildlife unless the need for the development outweighs the importance of the feature to nature conservation. Applicants also have a legal duty towards legally protected species or habitats. The site is in the countryside with the potential for there to be impacts, particularly in respect of bats given that demolitions of barn type buildings are proposed.
- 11.30 Essex County Council's Place Services is the ecology consultant for the local planning authority. A holding objection due to insufficient ecological information has been made in an advisory letter giving the opinion formed by specialist staff in relation to the particular matter of ecology.
- 11.31 One of the key findings of the Preliminary Ecological Appraisal submitted as part of the application documentation is that a bat roost has been identified in the main Frogs Hall buildings; other buildings have the potential to support bats. The installation of bat boxes would however offer an opportunity for biodiversity enhancement.
- 11.32 Officers consider that a planning permission subject to a condition to require bat emergence surveys, as recommended in the Preliminary Ecological Appraisal Report (BSG Ecology, Dec 2018), is appropriate in this case. There is also a requirement for trees proposed to be removed to be inspected for potential bat roost features and any subsequent surveys undertaken. The agent has confirmed in writing that ecologists have been instructed but there is no firm date for the surveys yet. The agent has also confirmed by email that a pre-commencement type condition would be acceptable.

H Access and parking (Local Plan Policies GEN1 and GEN8; Essex Parking Standards; and, Uttlesford Parking Standards)

- 11.33 Applicants are required to show that their development would not compromise the safety of the highway by ensuring that any additional traffic generated by the development can easily be accommodated within the existing highway network (Policy GEN1) and by providing a commensurate level of parking that is appropriate for the development (Policy GEN8).
- 11.34 The development would lead to an uplift of traffic, but due to the relatively small number of proposed dwellings, such an increase would be acceptable.
- 11.35 Parking requirements for residential developments depend in part on the number of bedrooms for each house:
Two and three bedrooms: two parking spaces
Four or more bedrooms: three parking spaces
- 11.36 Based on the above standards the proposal would generate a total requirement for 17 spaces, comprising 15 allocated spaces and 2 visitor spaces, (rounded up from 1.5). A total of 16 spaces are proposed, comprising 2 spaces per unit and 4 visitor spaces. The agent makes the argument that this represents a very modest shortfall, whilst the over provision of visitor spaces, to be included in a cartlodge type structure, would reduce the level of parking in each house curtilage in the interest of providing greater flexibility for parking provision.

I Other material planning considerations (Emerging Local Plan)

- 11.37 The Draft Uttlesford Local Plan has been submitted for examination. However, since there is no certainty that the policies within it will be adopted, the emerging Local Plan is given limited weight.

12. CONCLUSION

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

- A** The site lies outside development limits and within the Countryside Protection Zone. However, development of the site constitutes efficient use of land on a brownfield site, a form of development that is supported in the NPPF. The site and its immediate neighbours to the north is a self-contained parcel of land surrounded by extensive tracts of open fields; development would have no meaningful impact to coalescence of development around Stansted Airport.
- B** Considering the site as a whole, the Listed Building of Frog's Hall and its grounds to the rear, the proposal would secure the optimum viable use.
- C** Part of a group Tree Preservation Order is on part of the site. However, a tree survey has informed the landscaping and ensured that trees of the highest value would be retained.
- D and E** Contamination and archaeology can be dealt with by way of appropriate conditions if planning permission is granted.
- F** There is no specific design or access issue.
- G** Following receipt of ecological information in the form of a bat report and confirmation that certain trees would be retained, the proposal is acceptable with regard to biodiversity
- H** The parking provision is considered appropriate for this site.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions to planning application UTT/18/3524/FUL

- 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.
- The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.
- All 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, Volume1 2015 edition.

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

4. Prior to first occupation of any dwelling hereby approved, all mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (BSG Ecology, December 2018) and the Bat Survey Report (BSG Ecology, October 2019) as submitted with the planning application and thereafter retained as such.

REASON: To conserve and enhance Protected and Priority species and allow the local planning authority 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 the interest of the protection of biodiversity and in accordance with Policy GEN7 of the adopted Uttlesford Local Plan.

5. Prior to commencement of any operation or work to Building E, including demolition, the local planning authority shall have been provided with either:
 - a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to proceed; or
 - b) A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development would require a licence.

REASON: To conserve Protected and Priority species and allow the local planning authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s17 of the Crime and Disorder Act 1998 and in the interest of the protection of biodiversity and in accordance with Policy GEN7 of the adopted Uttlesford Local Plan.

6. Prior to commencement, a Bat Method Statement shall have been submitted to and approved in writing by the local planning authority. The Bat Method Statement shall contain precautionary mitigation measures and/or works to reduce potential impacts to bats during the demolition of buildings B and C. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To conserve and enhance Protected and Priority species and allow the local planning authority 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 the interest of the protection of biodiversity and in accordance with Policy GEN7 of the adopted Uttlesford Local Plan.

7. Prior to commencement a construction environmental management plan (CEMP: Biodiversity) shall have been 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 and enhance Protected and Priority species and allow the local planning authority 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 the interest of the protection of biodiversity and in accordance with Policy GEN7 of the adopted Uttlesford Local Plan.

8. No development shall take place (including any demolition, ground works or site clearance) until a further badger survey and updated mitigation statement has been submitted to and approved in writing by the local planning authority. This further survey shall be undertaken to identify whether any Badger activity has changed since the previous surveys were undertaken and whether further mitigation and/or works are required for badgers during the construction phase. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To conserve Protected species and allow the local planning authority to discharge its duties under the Wildlife & Countryside Act 1981, the Badger Protection Act 1992 and s17 Crime and Disorder Act 1998 and in the interest of the protection of biodiversity and in accordance with Policy GEN7 of the adopted Uttlesford Local Plan.

9. Prior to construction 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:
- 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 local planning authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the adopted Uttlesford Local Plan.

10. Prior to first occupation of any dwelling hereby permitted a lighting scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on the 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 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. Any 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 circumstance shall any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the local planning authority 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).

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B, C or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the local planning authority.

REASON: In the interest of the residential amenity of occupiers of neighbouring properties in accordance with Policies GEN2 i) and H8 of the adopted Uttlesford Local Plan and Policy D 3 of the Regulation 19 Local Plan (October 2018).

12. Prior to occupation of any dwelling, details of the following hard and soft landscaping works, which shall accord with the Landscape Strategy Document by Urban Design Studio (November 2018), must be submitted to and approved in writing by the local planning authority:

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

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

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

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

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

Prior to re-commencement of the development, an assessment of the nature and extent of contamination must be submitted to and approved in writing by the local planning authority. If the assessment identifies that remediation is necessary, a detailed remediation scheme must be submitted to and approved in writing by the local planning authority prior to re-commencement of the development.

Remediation must be carried out in accordance with the approved remediation scheme prior to re-commencement of the development.

REASON: To minimise contamination risks, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

14. Prior to first occupation of any dwelling hereby permitted the vehicular parking and turning area as shown on approved plan P010 shall be implemented and available for use and retained as such thereafter.

REASON: In the interest of highway safety in accordance with Policy GEN8 of the adopted Local Plan and Policy D 2 of the Regulation 19 Local Plan.

15. Prior to first occupation of any dwelling hereby permitted a scheme for sustainable urban drainage and its maintenance, designed with reference to the Flood Risk Assessment and Drainage Strategy by EAS (January 2019) at pages 13 to 21, shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details and retained and maintained as such thereafter unless the prior written consent in writing is given by the local planning authority.

REASON: In the interest of sustainability and in accordance with Policy GEN3 of the adopted Uttlesford Local Plan; Policies SP 12 and EN 11 of the Regulation 19 Local Plan; and, the provisions of the National Planning Policy Framework.

16. Prior to first occupation of any dwelling to which this planning permission relates, an electric car charging facility shall be installed at the property and retained as such unless the written consent of the local planning authority is given to any alteration.

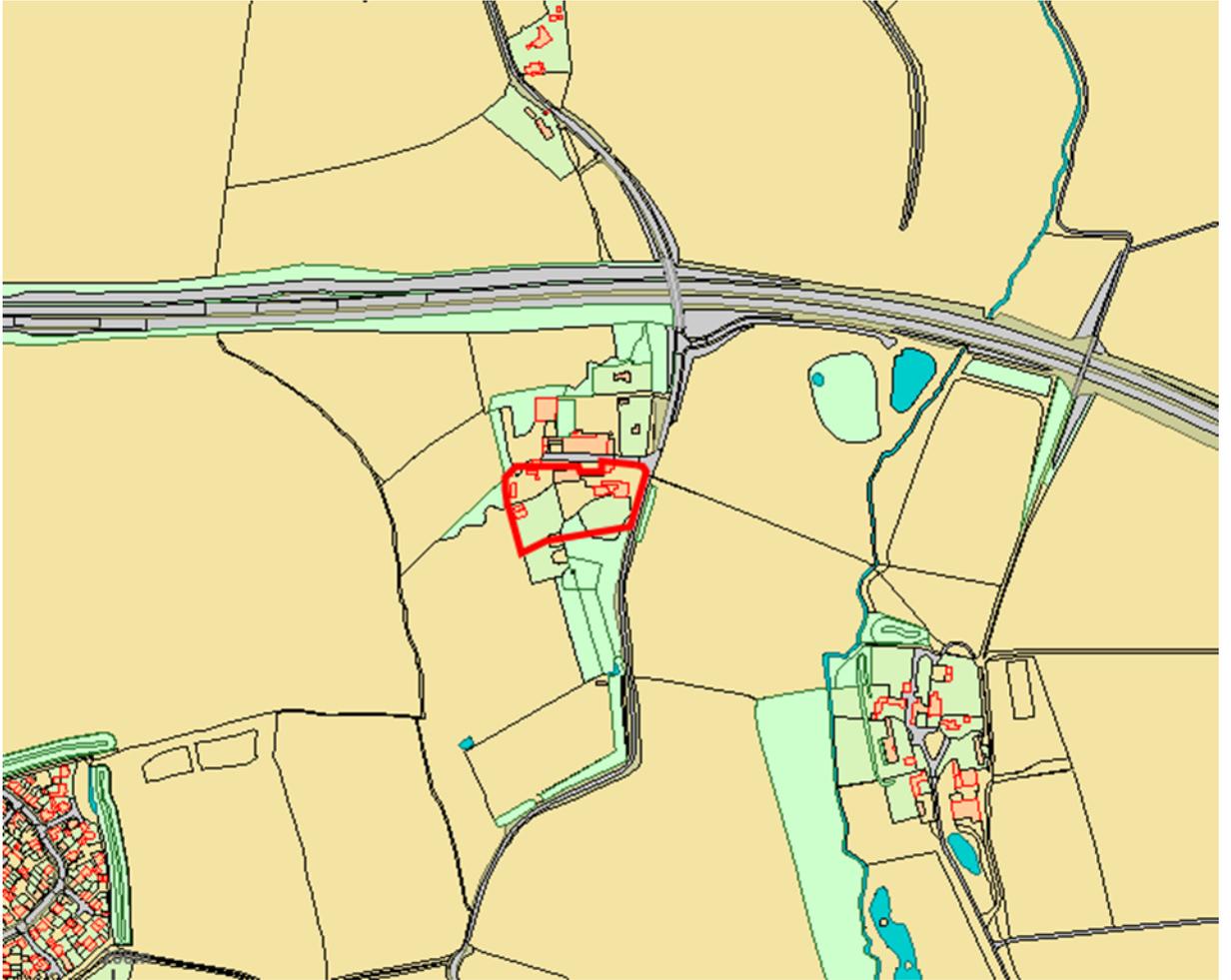
REASON: In the interest of sustainable development and in accordance with Policy GEN2 of the adopted Local Plan; Policies TA 2 and TA 3 of the emerging Local Plan; and, the provisions of the National Planning Policy Framework.

17. No conversion or preliminary groundwork of any kind shall take place until the implementation of a programme of archaeological recording in accordance with a written scheme of investigation which shall have been submitted and approved in writing by the local planning authority has been secured.

REASON: To ensure that the development will not cause harm to a site of archaeological importance in accordance with Policy ENV4 of the adopted Local Plan and the provisions of the National Planning Policy Framework.

18. No preliminary groundworks shall be installed until a programme of archaeological trial trenching and excavation has been secured and undertaken in accordance with a written scheme of investigation which will have been submitted to and approved in writing by the local planning authority.

REASON: To ensure that the development will not cause harm to a site of archaeological importance in accordance with Policy ENV4 of the adopted Local Plan and the provisions of the National Planning Policy Framework.



UTT/18/3525/LB - TAKELEY

(Referred to Committee as accompanied by a planning application for more than 5 dwellings)

PROPOSAL: Demolition of extensions to the listed building and its retention as a single dwelling.

LOCATION: Frogs Hall, Bambers Green Road, Takeley

APPLICANT: Winston Group

AGENT: DLA Town Planning Ltd

EXPIRY DATE: 27th February 2019 (extension of time until 17th January 2020)

CASE OFFICER: Jonathan Doe

1. NOTATION

1.1 Grade II Listed Building

2. DESCRIPTION OF SITE

2.1 The site is that of a detached house and its curtilage. The house is on the western side of Bambers Green Road.

2.2 Within the curtilage of the house is an outhouse known as the Coach House.

3. PROPOSAL

3.1 Demolition of extensions to the listed building and its retention as a single dwelling.

3.2 The proposals involve the retention of a single dwelling within the listed building, the formation of an annex within the retained and restored Coach House. The coach House would be retained as an Annex to Frog's Hall, proposals for this restoration will come forward under a separate application.

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 Heritage Statement and a Planning Statement.

5.2 A case is made that the site comprises previously developed land and as such its development is encouraged by the NPPF. The previous use of the land is said to

be a use that would fall within Class B2/B8. The historic use of the site has no restriction on such matters as hours of operation or open storage. Existing commercial buildings would be demolished. At paragraph 6.2.2 of the Planning Statement it is stated that buildings with a footprint of 994 sq m and a volume of 4,196 cubic metres would be demolished.

- 5.3 A process of heritage assessment has concluded that that the proposals result in beneficial impacts on both the fabric of the listed building and also in terms of its setting.

6. RELEVANT SITE HISTORY

- 6.1 No relevant history.

7. POLICIES

Uttlesford Local Plan (2005)

ENV2 – Development affecting Listed Buildings

Supplementary Planning Documents/Guidance

None.

National Policies

National Planning Policy Framework

Other Material Considerations

None.

8. PARISH COUNCIL COMMENTS

- 8.1 Takeley Parish Council object to this application for the following reasons:
1. In the curtilage of a listed building in a Countryside Protection Zone. Not in keeping with the current area.
 2. Overdevelopment of site with six houses crammed on a minor road.

9. CONSULTATIONS

Specialist Advice on Historic Buildings and Conservation

- 9.1 The application is for the demolition of extensions to the listed building and its retention as a single dwelling, demolition of existing outbuildings and the erection of 6 no. detached dwellings.
- 9.2 The above concerns Frogs Hall, a Grade II listed (HE Ref: 1112188) house.
- 9.3 The list description notes:
House. Circa early C17, extended in C18 and early C19 and remodelled in circa mid C19. Rendered and partly slate hung timber frame and white- washed brick. Slate roof with gabled ends and crested ridge tiles; wings at rear, with hipped slate roof and gable-ended plain tile roof. Brick gable-end and lateral stacks. Plan: circa early C17 front (east) range extended by addition of C18 wing at rear of right end

(north west), and in early C19 by wing at rear of left end (south west). In circa mid C19 the house was remodelled.

- 9.4 Two storeys. Almost symmetrical three-bay east front. Central glazed door with tented canopy, canted bay of sashes with glazing bars to left and right, above which the first floor is jettied out and gabled with ornate bargeboards. C19 three-light moulded mullion transom. Windows on first floor (centre two-lights) all with hood moulds. Left hand (south) return, hipped wing on left with large French casement and C19 12-pane sash above, and lean-to verandah on right with brick piers and French casement. Right hand (north) return, C18 wing, three-window range, with circa C18 three-light wooden mullion windows with leaded casements and flush-panel door; lower C19 stable range to right (north west). Various sash windows and outshuts at rear.
- 9.5 Interior: largely result of circa mid C19 remodelling with joinery mostly of that period. Many C18 fielded six-panel doors. Late C19 staircase. Chimneypieces replaced. Rear north west kitchen wing has one chamfered cross-beam with runout stops.
- 9.6 Five bays of the circa early C17 roof over the front (east) range survive; trusses have lapped dovetail jointed collars, clasped side purlins, curved wind braces; heavy stud partition (closed truss) between bays three and four; some common rafters survive. Roof over C18 rear wing of softwood, collars mortice and tenoned to principal rafters and clasping side purlins, the common rafters largely intact and no ridge piece.
- 9.7 Whilst I have no objection in principle to the proposed demolition of the modern outbuildings and the modern extension to Frogs Hall, the proposed development of the site is considered detrimental to the understanding of Frogs Hall as a historic hall house: a high status building enclosed by ample amenity space. Development to the rear of Frogs Hall has traditionally comprised of buildings associated with the host dwelling, clustered around the north extent of the application site and it is recommended that this be retained, facilitating the appreciation of Frogs Hall's historic rank. Further to this, the proposed scheme would lead to the overdevelopment of the plot and the saturation of a listed building's setting with built form, curtailing its curtilage and at odds with the traditionally open character of the building's surrounds.
- 9.8 For the above, the scheme is considered to cause "less than substantial harm" to a designated heritage asset and paragraph 196 of the NPPF is relevant.

10. REPRESENTATIONS

- 10.1 This application has been advertised by a site notice posted on 29 January and letters were sent to neighbouring properties on 23 January. The notification period expired on 19 February 2019. No representation has been received.

11. APPRAISAL

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

- A Whether the proposal would have a detrimental effect on the character and setting of a Listed Building.

A Whether the proposal would have a detrimental effect on the character and setting of a Listed Building.

- 11.1 The listed building itself would be retained as a single dwelling. The removal of later additions and the enhancement of the immediate setting will result in the creation of an attractive dwelling which will be more manageable on its reduced footprint, and closer to its original size and character.
- 11.2 The proposals involve the removal of a large amount of added extension at the rear of the existing listed building. These additions have been added piecemeal over previous decades and they do not possess historic or architectural interest. Removing them will better reveal the special interest of the principal building and enable its immediate setting to be opened up to create a more attractive context.
- 11.3 Specialist advice is that the scheme is considered to cause “less than substantial harm” to the significance of a heritage asset and paragraph 196 of the NPPF is relevant.
- 11.4 The NPPF requires a balance to be applied in the context of heritage assets, including the recognition of potential benefits accruing from a development. In the case of proposals which would result in “less than substantial harm”, paragraph 196 provides the following:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.”
- 11.5 Whilst the misgivings of the specialist advisor are noted, the specialist advice concludes that the proposals are considered to cause less than substantial harm to a designated heritage asset and as such paragraph 196 of the NPPF is relevant. This paragraph refers to any harm being weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. A residential use as a property of a manageable size would ensure that the building would be maintained in a good condition and that it would ensure the long term retention and preservation of the form of the original house.
- 11.6 At the time of the site visit the house was vacant. The house appeared to have been closely associated with the business use involving the former agricultural buildings which latterly had a commercial use. It is considered that the proposals, involving the house reverting to a family type property of a manageable scale would avoid the house remaining vacant and declining further in terms of its maintenance.
- 11.7 The proposal is considered to be acceptable with regard to Policy ENV2.

12. CONCLUSION

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

- A** It noted that specialist advice does not go so far as to recommend refusal and taking the proposal in a broad context it is considered that the balance of benefits against dis-benefits is such that Listed Building consent should be given.

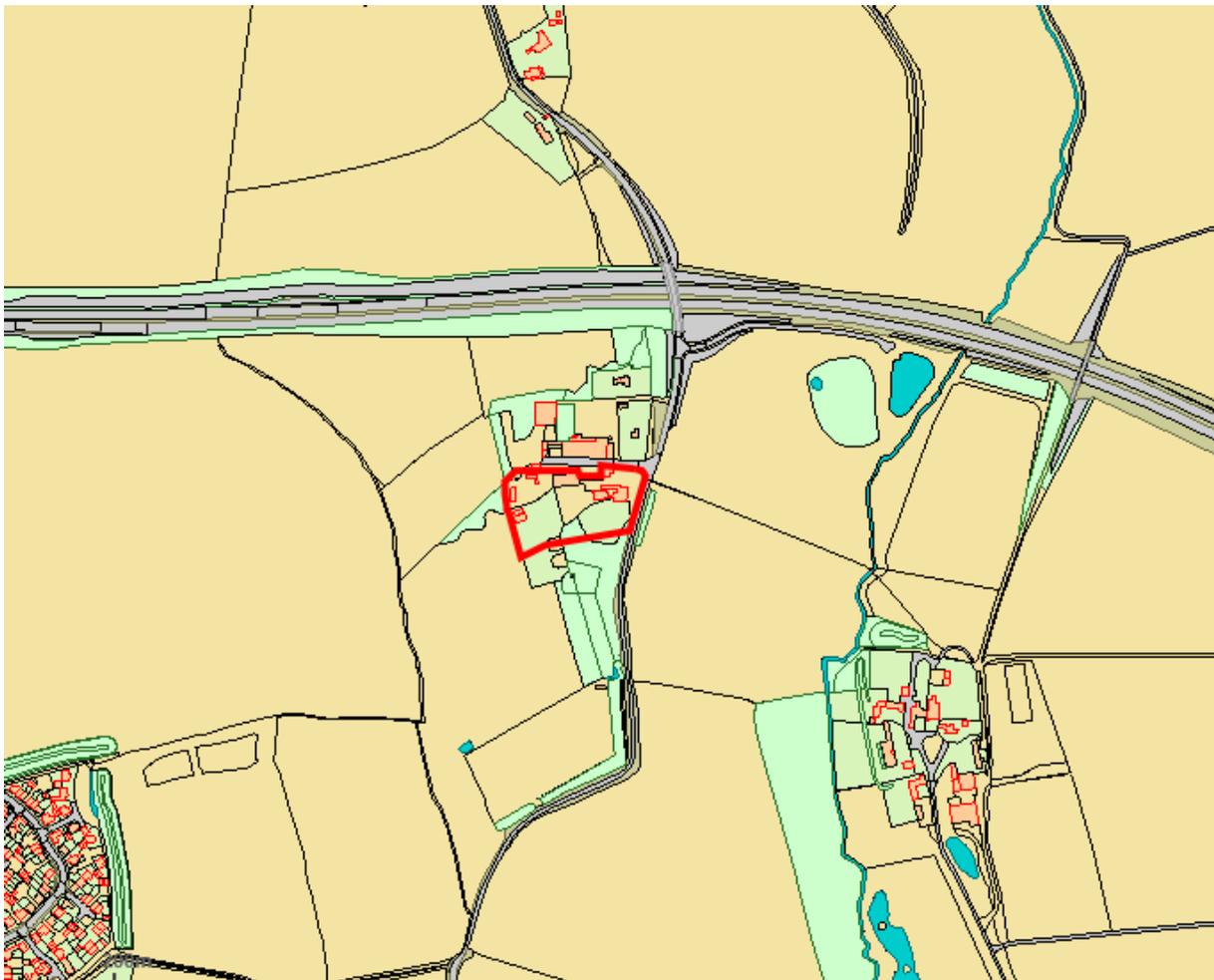
RECOMMENDATION – LISTED BUILDING CONSENT WITH CONDITIONS

Conditions

1. The development to which this consent relates shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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Agenda Item 5

The application was previously deferred for a site visit.

UTT/19/2159/FUL - HATFIELD HEATH

(Referred to Committee by Cllr Lemon. Reason: On the grounds of being in the Green Belt and the effect of the proposed development on the surrounding area and neighbour amenity.)

PROPOSAL: Section 73A Retrospective application for continued use of B2/B8 building, ancillary buildings and associated yard area.

LOCATION: Gladwyns Farm, Sheering Road, Hatfield Heath

APPLICANT: Mr Martin Liddell

AGENT: Mrs Rachel Bryan, Sworders

EXPIRY DATE: 28th October 2019 (Extension of time until 13th December 2019)

CASE OFFICER: Jonathan Doe

1. NOTATION

1.1 Metropolitan Green Belt

2. DESCRIPTION OF SITE

2.1 The site is in use by a business which repairs and re-paints coaches and commercial vehicles. The site is in the countryside, using a former agricultural building, located between Hatfield Heath to the east and Sheering to the west. The site is to the rear of a cluster of four dwellings.

2.2 The application site consists of a former agricultural building; an area in front of the building, to the southwest, used for parking, the siting of a portacabin type building and a paint store structure; and, the means of vehicular access to Sheering Road. The main building is a former Dutch barn with side extension. The main building is some 26m deep by some 16m wide and has a height to eaves level of some 7m. The portacabin type building is some 3m wide by 10m long. The paint store structure is 1.5m wide by 4m long and has a height of 2.6m.

2.3 To the north of the main building is a sugar beet or log storage clamp area and metal transport containers associated with the farm. Agricultural land is to the north and to the west. To the east are wooded grounds to Gladwyns, a three-storey house set to the south of the site. Gladwyns is a Listed Building. To the west of Gladwyns are two other residential properties, Oak Tree Barn and Coach House, and to the southwest of Gladwyns is Gladwyns Farmhouse. Just to the northeast of Gladwyns Farmhouse conversion of redundant agricultural outbuilding to a dwelling has recently been established to be Permitted Development (reference UTT/1737/11/FUL).

2.4 Vehicular access is on the northern side of Sheering Road, part of the B183.

3. PROPOSAL

- 3.1 Section 73A Retrospective application for continued use of B2/B8 building, ancillary buildings and associated yard area.
- 3.2 This application is for the continued use of B2/B8 building, ancillary buildings and associated yard area. The building itself and immediate curtilage benefits from planning consent for B2/B8 use, but ancillary buildings have been added since this consent was granted; hence the application is part retrospective.
- 3.3 The application seeks to regularise a situation whereby a business use has extended outside an existing building; the site where the business operates is now larger than the footprint of a building within which the original business operated.
- 3.4 There are three elements to the planning application: continued use of the building on the site; an enlarged site; and, two structures within the site as enlarged. With regard to the continued use of the main building planning permission, UTT/1323/10/FUL, already exists for the proposed use but subject to a condition that the premises, previously divided into unit 1 and unit 2, be used only for coach and commercial repairs in one unit and garden maintenance business in the other unit. The application seeks to regularise use of the whole building for commercial vehicle repair and re-painting. The scale of the enlarged site is discussed below and concluded that the enlargement is modest in size. The two structures relate to the retention of a portacabin type structure used as an office and a shed type structure used as a paint store.

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 planning statement and a schedule of photographs of the site.
- 5.2 The planning statement makes a case that the application seeks what is essentially a modification of an existing planning permission for a B2, general industrial, and B8, storage and distribution use granted planning permission, UTT/1323/10/FUL, in 2010. The statement makes clear that the current application does not seek outside storage but that it does include the retention of the portacabin type building and the paint store structure. The statement points out that both these structures are relatively small, of a temporary nature and not visible from the public highway or adjoining properties. The agent's statement states that a condition could ensure removal of both structures if the use of the site as a whole were to cease.
- 5.3 The statement refers to how the applicant, DNS Commercials Ltd, comprises the business owner and eight employees, most of them local people from Hatfield Broad Oak, Takeley, Bishop's Stortford and Harlow. The business repairs coaches for several local companies.
- 5.4

The paint store is a requirement to satisfy health and safety requirements and the portacabin type building is used as an office located outside the main building in order to separate those working in the office from the repairing and spray painting

6. RELEVANT SITE HISTORY

- 6.1 UTT/1323/10/FUL - Retrospective change of use to B2 (general industrial) and B8 (storage and distribution) use – Approved with conditions 04.10.2010

7. POLICIES

Uttlesford Local Plan (2005)

S6 – Metropolitan Green Belt
GEN1 – Access
GEN2 – Design
GEN4 – Good Neighbourliness
GEN5 – Light Pollution
GEN7 – Nature Conservation
GEN8 – Vehicle Parking Standards
ENV11 – Noise Generators

Supplementary Planning Documents/Guidance

None

National Policies

National Planning Policy Guidance (NPPF) (February 2019)

Other Material Considerations

ECC Parking Standards
UDC Parking Standards

8. PARISH COUNCIL COMMENTS

- 8.1 The Parish Council met on 2nd October 2019 to consider this application. After consideration it was felt that the Council should object to the proposed development. This is due to the sensitivity of the site located within the Green Belt and on balance it was agreed that proposals would result in significant harm to the Green Belt.

9. CONSULTATIONS

Environmental Health

- 9.1 An email has been received stating that Environmental Health has no comment to make on this retrospective application. It may be that the paint spraying process operated by the company needs a permit from Environmental Health to control volatiles to the open air, depending on the amount of solvent used. Environmental Health will make enquiries of the company.

10. REPRESENTATIONS

- 10.1 A site notice was posted. 5 letters were sent to occupiers of neighbouring properties. 14 written representations have been received, 12 in support of the application and 2 (from a neighbour and a solicitor acting for that neighbour) objecting to the application.
- 10.2 A summary of representations received in support are as follows:
- Have lived near with no impact at all
 - In full support for the local business/employment opportunities and employment it creates
 - Staff use local shops/post office and cafes on a daily basis which is great in such a small village
- 10.3 A summary of representations received objecting are as follows:
- Disturbance from noise from early in the morning
 - Contrary to what expected of living in the countryside
 - The 2010 permission was made on the premise that the proposal was to ensure the continuation of two successful local businesses which operated from the site as well as the long-term viability of the farming enterprise through the additional rental income the buildings provided
 - Inappropriate in the Green Belt in policy terms as the new structures are not accepted to not reduce openness
 - It would appear that waste is being dealt with on-site
 - There are skips on site which should be removed
 - Work is not being carried out only within the building
 - Site being used in a way which neither prevents urban sprawl nor prevents a loss of openness to the Green Belt
 - Proposal is contrary to the Local Plan
 - Has an adverse impact on the surrounding area and views across the site
 - Noise, smell, dust and activity materially adversely affect the occupation and enjoyment of surrounding properties
 - Detrimental to highway safety and convenience of using vehicular access to two residential properties

11. APPRAISAL

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

- A The principle of the development within the Green Belt and the countryside, the effect of the proposal on the character and appearance of the area (Policy S6; NPPF)
- B Impact to neighbours (Policies GEN2, GEN4, GEN5 and ENV11)
- C Highway access and parking (Policies GEN1 and GEN8)

A The principle of the development within the Green Belt and the countryside, the effect of the proposal on the character and appearance of the area (Policies S6 and S7, NPPF)

- 11.1 The site, albeit technically in a smaller extent, is established as a commercial site. The existing planning permission restricted the extent of the site to the footprint of the former agricultural building. The current planning application relates to a site which has been defined as the footprint of the main building plus an irregular shaped area in front of the main building. The area in front of the main building is

14m wide by 4m deep, and then 8m wide, the same width as the main building, by 5m deep, then narrows in width until it becomes the vehicular access, which is some 3m wide. The total area of the site outside the building but excluding the vehicular access has been measured as some 540 sq m.

11.2 The building, which already has planning permission for a B2/B8 use has a gross internal floorspace of 490 sq m. The total gross new internal floorspace which has been created and for which planning permission is now sought is 36 sq m. This new floorspace relates to the retention of a portacabin building with a floorspace of 31 sq m and the retention of the paint store with an area of 4.8 sq m.

11.3 The site in general terms has planning permission, UTT/1323/10/FUL, for change of use to B2 (general industrial) and B8 (storage and distribution) use. The principle of such a use at this part of the countryside is therefore considered to be established. This element of the application is therefore considered to be acceptable.

11.4 With regard to the enlargement of the site, it is noted that planning permission UTT/1323/10/FUL has a condition requiring a plan to be submitted of parking spaces. It is considered implicit in such a requirement that it was always accepted that space outside the main building would be used in connection with a business use to some limited degree though only for parking provision.

11.5 The application seeks an enlargement of the red line site to regularise this aspect of what now occurs. This enlargement is modest in size given that it is essentially an open area. The main building has an area of some 117 sq m compared to the area outside the main building and within the main body of the red line site having an area of some 105 sq m.

11.6 The site is not a particularly isolated one. The site is less than a mile from the centre of Hatfield Heath as the crow flies and the same distance from the centre of Sheering. The planning statement refers to the site being within a reasonable walking distance of the bus stop in Sheering, via a pavement alongside the B183. It is clear from an examination of the written representations received in support of the planning application that members of staff at the premises have expressed support. It would appear that members of staff generally live locally. In terms of a sustainable location it is considered that no tenable reason for refusal exists.

11.7 With regard to the two structures for which planning permission is sought, the office portacabin and the paint store, Green Belt policy applies.

11.8 Policy S6 seeks to ensure that development permitted should preserve the openness of the Green Belt and its scale, design and siting should be such that the character of the countryside is not harmed. The NPPF states, at paragraph 133, that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. There is no definition of openness within the NPPF but it is generally taken to be the absence of built form. Government guidance on Green Belt; published 22 July 2019 by the Ministry of Housing, Communities & Local Government; states that openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume (Paragraph: 001 Reference ID: 64-001-20190722). In the particular case of this planning application there would effectively be no visual impact. The site is to the rear of a cluster of residential properties with treed grounds and outbuildings. The site is not visible from public

vantage. The site cannot be seen from the road which gives access to the site, the B183. The nearest other road is Sawbridge Road some third of a mile to the north from which the site is not seen. There is no public footpath or other rights of way nearby. The volume of the portacabin office and the paint store sum to some 108 cubic metres. This compares to the volume of the existing main building which is in the region of 2,940 cubic metres.

11.9

In the circumstances described above the proposal is considered acceptable with regard to Green Belt policy and, given that it protects the particular character of the part of the countryside in which it is set.

B

Impact to neighbours (Policies GEN2, GEN4, GEN5 and ENV11)

11.10

There are four residential properties to the south of the site: Gladwyns Farmhouse; Gladwyns; Coach House; and, Oak Tree Barn. Gladwyns Farmhouse is set closer to the road than the other properties such that the built forms of Coach House and of Oak Tree Barn are set between it and the site. It is considered that there would be no material adverse impact to the occupiers of Gladwyns Farmhouse. Gladwyns occupies mature grounds with a number of trees set between the rear elevation of the house and the site. Due to a combination of isolation distance and screening by vegetation, it is considered that no material adverse impact results to the occupiers of Gladwyns.

11.11

The two properties closest to the main building from which the business is operated are Oak Tree Barn and Coach House. Both these properties have a shared vehicular access running parallel with the vehicular access to the application site. From photographs submitted in relation to the planning application it can be seen that the portacabin, the main building and double decker buses parked outside the main building have been visible from the vehicular access running parallel to the vehicular access to the application site. However, the distance between the rear elevation of the nearest residential property, Coach House, and the southern boundary of the application site is some 35m. At this southern boundary of the application site is a close boarded fence of some 1.8m in height. There is Laurel bushes growing on the southern side of the fence and a line of conifers growing on the northern side of the fence.

11.12

Details within the correspondence in relation to this application suggest that a problem to neighbours came about some time ago in connection with a short term contract while another company was having a spray booth installed and sub-contracted a surge of work to the company at the application site. On balance, taking into account that the NPPF refers to the importance of building a strong, competitive economy and the importance of supporting a prosperous rural economy, it is considered that adverse impacts to neighbours are not to a degree that would reasonably justify refusal of this application.

11.13

Policy GEN2, at h), requires that development minimises the environmental impact on neighbouring properties by appropriate mitigating measures and Policy GEN4 requires that there be no material disturbance or nuisance to occupiers of surrounding properties. Policy ENV11 is specifically concerned with noise generating uses. It is considered reasonable and necessary to impose a condition to the hours of working at the site which carries over those imposed by planning permission UTT/1323/10/FUL; working hours of 07:00 to 18:00 Monday to Friday and 07:00 to 13:00 on Saturdays. To accord with Policy GEN5 it is considered reasonable and necessary to impose a condition as per that of planning

- C** permission UTT/1323/10/FUL that there be no floodlighting or other form of external lighting.

11.14

Highway access and parking (Policies GEN1 and GEN8)

- 11.15 The use as proposed would use an existing highway access and accordingly the application is acceptable with regard to Policy GEN1.

There is a large area of hardstanding in front of the building which appears in practice to be used in association with agriculture, particularly the storage clamp to the north of the main building. The reason in the main that the current application seeks an enlargement of the site is to regularise the inevitable need for the provision of parking. At the time of the site visit parking was adequate. Accordingly the proposal is considered acceptable with regard to Policy GEN8.

12. CONCLUSION

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

- A** In general terms the use is already established. The portacabin and paint store whilst moveable structures, are taken to be built form. However, their volume is minimal and cannot be seen. Notwithstanding that the site is within the Green Belt, the proposal is considered acceptable due to absence of visual impact to the general public.
- B** The operation of the business is apparent when driving along a vehicular access to the two nearest residential properties. However, the built forms of these properties are set at least 30m from the site and accordingly the application is on balance considered acceptable with regard to impact to neighbours.
- C** Highway access and parking provision are acceptable.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

1. The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans listed in the schedule of plans printed on this Decision Notice unless agreed in writing by the local planning authority.

REASON: For the avoidance of doubt as to the scope of this planning permission and to facilitate the consideration of any change which must be agreed in advance in writing by the local planning authority.

2. The site shall be used for coach and commercial repairs and for no other purpose (including any other purposes in Class B8 or B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: In the interests of amenity and to ensure the development is compatible with the character of the surrounding area in accordance with Policies S6, S7, GEN2 and GEN4 of the adopted Local Plan.

3. 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 extension or alteration shall be carried out (other than those expressly authorised by this or any other express permission) on any part of the site whether externally or internally without the prior written permission of the local planning authority.

REASON: In the interests of the rural character of the area and to protect the openness of this Green Belt location in accordance with Policies S6 and S7 of the adopted Local Plan.

4. The use of the premises shall be restricted to the hours of 07.00 to 18.00 Monday to Friday and 07.00 to 13.00 on Saturdays and at no times on Sundays and Public Holidays.

REASON: In the interest of the residential amenity of occupiers of neighbouring properties in accordance with Policies GEN2 and GEN4 of the adopted Local Plan.

5. No processes shall be carried out or power tools, equipment, machinery or plant of any kind shall be used at any time anywhere on the site except within the building shown as unit 1 on the 1:500 block plan to drawing no. 219238 PL 001 revision A as hereby permitted.

REASON: In the interest of the residential amenity of occupiers of neighbouring properties in accordance with Policies GEN2 and GEN4 of the adopted Local Plan.

6. There shall be no outdoor storage of any materials, goods, equipment, plant or machinery of any description on any part of the site without the prior written consent of the local planning authority prior to the commencement of the development.

REASON: To prevent harm to the character and amenity of the area in accordance with Policies S6, S7, GEN2 and GEN4 of the adopted Local Plan.

7. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the premises as permitted shall only be used for the light industrial activity hereby permitted and shall not be converted to any separate storage or warehouse use unconnected to the permitted activity.

REASON: To prevent harm to the character and amenity of the area in accordance with Policies S6, S7, GEN2 and GEN4 of the adopted Local Plan.

8. Outside the permitted hours specified above there shall be no vehicles parked outside the building.

REASON: To protect the character of the area in accordance with Policies S6, S7, GEN2 and GEN4 of the adopted Local Plan.

9. 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 fence, gate or wall shall be constructed within the site or on the site boundaries without the prior written permission of the local planning authority.

REASON: To ensure the development is in accordance with the character of its surroundings in accordance with Policies S6, S7, GEN2 and GEN4 of the adopted Local Plan.

10.

There shall be no floodlighting or other form of external lighting constructed within the application site without the prior written consent of the local planning authority.

REASON: To ensure the development does not adversely affect the rural character of the area or the residential amenity of occupiers of neighbouring properties in accordance with Policies S6, S7, GEN2, GEN4 and GEN4 of the adopted Local Plan.



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UTT/19/1802/OP – GREAT DUNMOW

MAJOR

Being reported to committee at Development Manager's discretion

PROPOSAL: Outline application with all matters reserved except for access for a residential development of up to 115 dwellings (use class C3) including access, landscaping, car parking and associated works

LOCATION: Land Off the Broadway, Dunmow

APPLICANT: Mrs G Potter

AGENT: Mrs R Hall – Planning Prospects Ltd

EXPIRY DATE: 24 October 2019 – Extension of Time: 24 February 2020

CASE OFFICER: Mrs K Denmark

1. NOTATION

1.1 Outside Development Limits/Public Rights of Way

2. DESCRIPTION OF SITE

2.1 The application site is located on the eastern edge of Church End, Great Dunmow. It is part of an arable field located to the south east of The Broadway. The Broadway forms the north western boundary of the site and the residential development along the eastern side of St Edmunds Lane forms the south western boundary. Marks Hall Lane and the woodland form the south eastern boundary. The north eastern boundary is undefined in the agricultural landscape.

2.2 The site slopes from the Broadway and St Edmunds lane upwards towards the woodland and Marks Hall Lane. The land levels run from approximately 60m AOD at the south western site boundary to approximately 75m AOD at the south eastern edge.

2.3 There is a public footpath running from St Edmunds Lane up into the site and crossing the middle of the field before cutting across to join the edge of the woodland. This then joins the bridleway that runs from the Broadway, along the rear of the properties in St Edmunds Lane, along the south eastern boundary of the site and around the woodland. There is a further public footpath running along Marks Hall Lane.

3. PROPOSAL

3.1 The proposal relates to outline planning permission for up to 115 dwellings with all matters reserved except for access. Access is proposed to be from The Broadway. An indicative Development Framework Plan has been submitted indicating that the proposed development would be located in two clusters, one adjacent to The Broadway and one to the rear of St Edmunds Lane. The area around the public footpath is shown as being a wide green corridor enabling views to the church tower to be retained.

- 3.2 The indicative plan includes a locally equipped area for play (LEAP), a large area of public open space, including a SuDS drainage basin. The plan also indicates new planting to the rear of the properties along St Edmunds Lane to protect the amenity of neighbouring dwellings.

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 accompanied by the following documents, available to view on the file.

- Arboricultural Impact Assessment
- Biodiversity Checklist
- Biodiversity Impact Calculator
- Design and Access Statement
- Flood Risk Assessment
- Foul Drainage Analysis
- Heritage Assessment
- Land Contamination Report
- Landscape and Visual Impact Assessment
- Mineral Resource Assessment
- Noise Screening Report
- Planning Statement
- Preliminary Ecological Appraisal
- SuDS Checklist
- Statement of Community Involvement
- Transport Assessment
- Travel Plan
- Utilities Assessment

Conclusion of Planning Statement:

In making the planning application, it is our submission that the proposal represents a high quality, sustainable development which will provide significant benefits that substantially outweigh any adverse impacts and therefore there are compelling grounds to grant planning permission in this instance. In summary:

- The Development Plan in this case is out of date insofar as it relates to the provision of land for housing and its policies that are most important to the determination of this application can only be given limited weight, whilst new emerging policy is still some time from being adopted. The development should be approved in accordance with the Framework's presumption in favour of sustainable development and the Government's objective to significantly boost the supply of homes.
- The proposed development will positively contribute to the supply of, and on-going need for, housing within Uttlesford and the wider Housing Market Area (HMA) which constitutes a significant and material planning benefit in

favour of the proposals, particularly where there has been a significant historic under delivery of housing.

- The development will also provide much needed affordable housing which constitutes a significant and material planning benefit in favour of the proposals, particularly where affordability is a worsening issue in Uttlesford.
- The proposed development is both high quality and sustainable. Great Dunmow is a sustainable location identified as capable of accommodating additional growth in the Council's Local Plan.
- The application site is on the edge of Great Dunmow and is adjacent to existing housing. It forms a well contained and logical extension to Great Dunmow's existing settlement pattern, with existing boundary vegetation retained (save for creation of a single site access) and with substantial new planting including on the site's north eastern boundary to create a defensible boundary with enhanced ecological connectivity to existing woodland.
- The development accords with the economic role of sustainable development in that it will contribute to a strong, responsive and competitive economy providing significant jobs during the construction phase of the development and attracting new residents of working age to the locality following occupation.
- The development accords with the social role of sustainable development supporting a strong, vibrant and healthy community, providing a range and choice of housing types and tenures in a high-quality environment, accessible to local services and infrastructure and improving pedestrian accessibility.
- The development accords with the environmental role of sustainable development protecting and enhancing the best of the local natural environment, enhancing biodiversity with the prudent use of resources and mindful of climate change with sustainable drainage.
- The proposed development sensitively addresses site specific development issues including such matters as site access and traffic, ecology interests and particular consideration has been given to thoughtful landscape design and retaining views of St Mary's Church tower. These aspects have strongly influenced the number of houses proposed, as well as the nature, scale and location of the proposed housing on the site.
- The development will make appropriate financial contributions to support local services and infrastructure including to mitigate any impacts, creating additional capacity as required, and in line with Development Plan policy.
- The proposals will provide substantial new areas of public open space, including a new equipped children's play area close to Great Dunmow which is one of the priorities for funding within the Great Dunmow Neighbourhood Plan (2016), and its provision will benefit existing and future residents.

The proposals are in line with the National Planning Policy Framework, and represent sustainable development. In such circumstances planning permission should be granted, subject to conditions and obligation as suggested.

6. RELEVANT SITE HISTORY

- 6.1 There is no relevant site history in respect of this site. There is an outline application with all matters reserved except for access for up to 50 houses including 50% affordable homes on land opposite this site to the north west of The

Broadway. This application was the subject of an appeal against non-determination and was subsequently dismissed.

7. POLICIES

Uttlesford Local Plan (2005)

S7 – The Countryside
GEN1 – Access
GEN2 – Design
GEN3 – Flood Protection
GEN6 – Infrastructure Provision to Support Development
GEN7 – Nature Conservation
ENV2 – Development affecting Listed Buildings
ENV4 – Ancient Monuments and Sites of Archaeological Importance
ENV5 – Protection of Agricultural Land
ENV7 – The Protection of the Natural Environment – Designated Sites
ENV10 – Noise Sensitive Development and Disturbance from Aircraft
ENV14 – Contaminated Land
H1 – Housing Development
H3 – Housing within Development Limits
H9 – Affordable Housing
H10 – Housing Mix

Great Dunmow Neighbourhood Plan

DS1:TDA: Town Development Area
DS13: Local Housing Need
LSC1: Landscape, Setting and Character
SOS2: Sporting Infrastructure Requirements
GA1: Core Footpath and Bridleway Network
GA2: Integrating Developments (Paths and Ways)
GA3: Public Transport

National Policies

National Planning Policy Framework (NPPF)
Planning Practice Guidance

8. TOWN COUNCIL COMMENTS

- 8.1 Town Council strongly objects to this outline application which would have a detrimental impact on the character and setting of Church End conservation area and the rural outlook of the north-easterly approach to the town. The site is outside the Gt Dunmow Neighbourhood Plan Town Development Area and therefore in the countryside, contrary to ULP S7. The supporting text of the DS1 policy stipulates that it is very important to resist development proposals which threaten our environment and a high local priority should be given to constrain urban sprawl which would destroy the rural setting and character of the town and parish. The Upper Chelmer Valley Landscape Area LCA A6 (Chris Blandford Landscape Character Assessments 2006) has a relatively high sensitivity to change and the development would have a significant harm on the public footpath and bridleway traversing the site. It is accepted that the indicative plan retains a sightline through open space towards the parish church and additional buffer screening to the east is suggested to enclose the site. If the development were to

go ahead, the Town Council would request significant landscape screening, to be secured by planning condition. Should the development be considered sustainable in the planning balance, it is likely that road mitigation measures would be required, and funding should be sought by s106 contributions. In addition to the play space within the development, the Town Council would request a financial contribution towards sporting facilities in accordance with the GDNP Policy SOS2: Sporting Infrastructure Requirements and with reference to Sports England's recommendations and Uttlesford's sports strategies.

- 8.2 12 November 2019: Further to our earlier comments, the developer should be aware that the 313/313A bus service referred to for evidence of transport sustainability is currently under threat of full withdrawal in 2020.

Without prejudice, should the Planning Authority be minded to approve the 115 homes proposal, Great Dunmow Town Council requests that a financial contribution be ring fenced for the local bus service, in accordance with the towns Neighbourhood Plan (GDNP) objective:
Great Dunmow will be serviced by a comprehensive and usable public transport network, with routes operating regularly and frequently to a wide range of valued destinations.

The GDNP Position GA-A states: Great Dunmow Town Council will continue to work with bus operators and other stakeholders to improve public transport services to and from Great Dunmow.

Please refer to Essex Highways to ensure that an appropriate financial contribution is established, so that the housing development complies with GDNP Policy GA3: Public Transport New developments should be integrated into the local bus network and appropriate public transport infrastructure and support for services will be sought where appropriate from developers to ensure this.

9. CONSULTATIONS

ECC Ecology

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

Summary

We have reviewed the Preliminary Ecological Appraisal (CSA Environmental, June 2019) and the Ecological Impact Assessment (CSA Environmental, August 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.

We also note that this application is situated within the Impact Risk Zone for Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR), as shown on MAGIC map (www.magic.gov.uk). Therefore, Natural England's revised interim advice to Uttlesford DC (ref: HatFor Strategic Interim

LPA, 5 April 2019) should be followed to ensure that impacts are minimised to this site from new residential development. As this application contains more than 50 units, Natural England have proposed that a financial contribution should be provided towards the delivery of off-site Strategic Access Management Measures (SAMMs) for Hatfield Forest SSSI/NNR, which will need to be secured via legal agreement. In addition, as this application actually contains more than 100 units, the development must contain adequate Accessible Natural Greenspace (ANG) within the redline boundary.

However, we acknowledge that the Preliminary Ecological Appraisal (CSA Environmental, June 2019) has indicated that contribution towards the SAMMs will be provided for this application. In addition, the Development Framework Plan (CSA Environmental, March 2019) demonstrates that adequate Accessible Natural Greenspace (ANG) will also be provided. Therefore, subject to the SAMMs being secured by legal agreement, we are satisfied that the development will provide appropriate mitigation will be secured for Hatfield Forest SSSI/NNR.

The additional mitigation measures identified in the Preliminary Ecological Appraisal (CSA Environmental, June 2019) and the Ecological Impact Assessment (CSA Environmental, August 2019) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species. We also note, as mentioned in the Ecological Impact Assessment (CSA Environmental, August 2019) that an additional survey of the off-site badger sett is should be undertaken prior to the works commencing to identify if there have been any changes in the badger activity and inform appropriate construction methodologies to minimise the impact of the development on the badgers. This should be a condition of any consent.

The Bat Survey Report (Appendix F of the Ecological Impact Assessment (CSA Environmental, August 2019)) mentions numerous bat species have been recorded onsite. Bat species can be especially sensitive to disturbance from lighting, thus, a Wildlife Sensitive Lighting Design Scheme should be submitted and secured as a condition of any consent.

We also 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 should include specific details relating to the proposed enhancements and details for their long term management.

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

NHS England

- 9.2 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 (£59,040) 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 developments. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

Anglian Water

- 9.3 The foul drainage from this development is in the catchment of Great Dunmow Water Recycling Centre that will have available capacity for these flows.

Used water network - The sewerage system at present has available capacity for these flows.

Surface water: The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. We request that the agreed strategy is reflected in the planning approval.

ECC Education

- 9.4 Assuming all 115 houses are homes with two or more bedrooms, a development of this size can be expected to generate the need for up to 10.35 Early Years and Childcare (EY&C) places; 34.50 primary school, and 23.00 secondary school places.

Financial contribution of £180,318 for Early Years and Childcare (£17,422.00 per place)

The development sits within the joint priority admissions area for Dunmow St Mary's and Great Dunmow primary schools. Both schools have a Published Admission Number of 60 pupils per year, which equates to a total of 840 places across the seven year groups. As of May 2019 there were 841 pupils on roll with both schools running some classes in excess of thirty and with only two year groups having any space. GP registration data received from the NHS shows that more children live in the area, in each future cohort born, than there are places. Forecasts for the wider Dunmow area, which includes Great Easton CE Primary School, are set out in the Essex School Organisation Service's 'Ten Year Plan' to meet demand for school places. These forecasts suggest that, without action, demand will exceed current capacity for all but one future cohort with up to 60 additional places per year needed by the end of the Plan period. Agreement has been reached with Dunmow St Mary's to take 30 additional pupils this September, and again next year, to meet immediate demand. Further temporary measures do not appear feasible and, longer term, a new school is required. As you will be aware, Essex County Council have secured new school site options on two other housing developments in the area through s106 agreements. Unfortunately neither development has progressed sufficiently to trigger an option and there is a high degree of uncertainty regarding when either will be available for a new school. Until there is a clear timeline for obtaining land for a new school, further housing development proposals such as this one cannot be considered

sustainable in education terms. At this point in time financial contributions alone, towards building a new school, would not mitigate the impact of the development.

With regards to secondary school provision, the priority admissions area school would be Helena Romanes. The school has a moderate level of unused accommodation and was able, with some minor works, to increase its admission number last September to meet local demand. According to forecasts, in the 10 Year Plan, further expansion will be required by September 2024. Reflecting the growth in school place demand that the area is experiencing, Uttlesford's emerging Local Plan makes provision for land that could allow the school to relocate and expand.

MAG Safeguarding

- 9.5 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no objections to the general principle of the scheme but request that we are consulted further if there are any future plans to include solar technology in the design. The SuDS design has the potential to increase the risk of birdstrike to aircraft using Stansted Airport and we therefore request a condition that the SuDS pond must be designed to be usually dry, with a quick draw down time (less than 3 days).

Essex Police

- 9.6 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.

Affinity Water

- 9.7 The proposed development site is located close to an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Dunmow Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water. If you are minded to approve the application, it is essential that appropriate conditions are imposed to protect the public water supply.

Highways England

- 9.8 Offer no objection.

Housing Enabling Officer

- 9.9 The affordable housing provision on this site will attract the 40% policy requirement as the site is for 115 (net) units. This amounts to 46 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 Councils' 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 bedroom units. This would amount to 6 bungalows across the whole site delivered as 3 affordable units and 3 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;

Land off the Broadway, Gt Dunmow UTT/19/1802/OP					
	1 bed	2 bed	3 bed	4 bed	Totals
Total affordable units	6	22	17	1	46
Affordable Rent	4	15	12	1	32
Shared Ownership	2	7	5	0	14
Number affordable bungalows					3

Lead Local Flood Authority

- 9.10 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.

Highways

- 9.11 This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment 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.

It is noted that the location of the site is such that access to key facilities, public transport, employment and leisure opportunities is limited and for the vast majority of journeys the only practical option will be the car. This should be taken in to consideration by the Planning Authority when assessing the overall sustainability and acceptability.

The highway authority has developed an outline public transport strategy for Great Dunmow and therefore we are recommending that a proportionate contribution be made towards the strategy. The strategy intends to provide a regular service to the site, which currently only benefits from infrequent off peak services, and provide support for the service for 5 years. This contribution alone will provide a bus for

two and a half years only and therefore to be effective must be part of the wider strategy. In addition, it is recommended that a means is provided for a bus to turn within in the site to allow the service to be provided without crossing the weight restricted bridge on the Broadway.

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

Environmental Health

- 9.12 The applicants have submitted a Phase I Land Contamination Report, and Air Quality and Noise Impact Screening reports for the proposed development of the site. These are all important environmental factors that warrant further consideration in the context of the proposed development of the site. Overall, I have not identified any significant environmental factors that would warrant a formal objection to the outline proposal. However, there are a number of localised issues that will need to be addressed and conditions are required.

Part of the site has been used for historic landfill of unknown content and conditions will be required in respect of land contamination.

The Noise screening report identified noise from the neighbouring farm as an occasional source of noise that may impact on residents. Similarly, those located closest to the B1057 may be impacted by road noise, particularly in outside amenity areas. There is the opportunity to embed noise mitigation measures in the design and layout of the site and orientation of dwellings on it.

In view of the scale of development, the proximity to existing residential occupiers and the details set out in the Noise and Air Quality Screening Reports, it is recommended that the construction works on the site be controlled through the submission of a Construction Management Plan.

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. Nevertheless, a development of this size will have implications for local air quality, even if these do not result in a breach of Air Quality Objectives. As such, it is essential that the application is supported by a sustainable travel plan and includes the provision of sufficient electric vehicle charging points to promote the use of electric powered vehicles in harmony with the national initiatives to promote greener transport, reduce carbon emissions as part of the wider climate change agenda.

Landscape Officer

- 9.13 The proposal site is open gently rolling arable land which can be appreciated in views taken from the local public footpath/bridleway network and from the Broadway road. The site is an integral part of the broad sweep of bucolic landscape on the approach to Church End along the Broadway and is fundamental to the quality of the setting of Church End and its conservation area. The row of eight relatively modest semi-detached early 20th century dwellings forming Church Villas, just outside the conservation area, sit comfortably in the landscape on the settlement edge. The later housing in St. Edmunds Lane bounding the eastern edge of the proposal site is for much the greater part not visible in the approach into Church End along the Broadway.

The proposed development would have a significant detrimental impact on the landscape character of the site and the part it plays in the broader landscape and setting of Church End.

Conservation Officer

- 9.14 The proposed development is considered to impact the agricultural setting of Church End causing a partial loss of open land through which the settlement is understood as primarily a farming community in origin; as the application site permits views of the Grade I listed Church of St Mary the Virgin, the proposal affects its artistic and communal values, hitherto experienced from within a historically agricultural environment, proposed to be appreciated from within a housing estate. Further to this, the proposal infills the open break between the settlement and Crouches Farmhouse (Grade II listed), consolidating it with the core, which in turn removes the isolation inherently tied to its understanding as historically a working farm.

For the above, the proposal is considered to cause “less than substantial harm” to the significance of a number of designated heritage assets as derived from their setting (i.e. the conservation area, the church and the farmhouse), paragraph 196 of the NPPF is relevant.

Archaeology

- 9.15 The Historic Environment Record shows that the proposed development lies within an area of known archaeological deposits. The proposed development is located in an area of cropmark evidence comprising linear features south of the historic farmstead of Crouches dating to the sixteenth century (EHER 18069). Archaeological investigation within the historic core of Church End has uncovered prehistoric (Mesolithic, Neolithic and early Bronze Age), Roman, medieval and post-medieval occupation. The earliest building in the settlement is the church of St Mary the Virgin, which is 13th century, and is thought to occupy the site of a late Saxon predecessor.

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

10. REPRESENTATIONS

- 10.1 This application has been advertised and a number of letters of representation have been received raising the following points. Notification period expired

- Highways and road safety concerns
- Church End is small hamlet and seen sizeable expansion
- Will double size of community
- Loss of rural feel of community
- Loss of agricultural land
- Flood risk
- Proposed footway is narrow strip of land and not good design for safety
- New housing should be to the west of Great Dunmow away from historic core
- Impacts on infrastructure
- More development than Dunmow can take

- Need to balance need for housing with quality of life for existing residents
- Recommended that site be protected in Great Dunmow Town Design Statement
- Only entrance to Dunmow not developed and is fine example of countryside
- Not identified in emerging Local Plan or Neighbourhood Plan for development
- Neighbourhood Plan identifies rural setting as important asset
- Lack of public transport
- ECC makes it clear there are insufficient education places available for this development

11. APPRAISAL

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

- A Principle of development (ULP Policies S7, H1, H3, H9, H10, GEN2, ENV5; GDNP Policies DS1:TDA, LSC1; DS13; NPPF)
- B Impact on heritage assets (ULP Policies ENV2, ENV4; NPPF)
- C Highways (ULP Policy GEN1; GDNP GA1, GA2, GA3 NPPF)
- D Ecology (ULP Policies GEN7, ENV7; NPPF)
- E Flood risk and groundwater protection (ULP Policies GEN3; NPPF)
- F Infrastructure (ULP Policies GEN6, H9; GDNP SOS2; NPPF)
- G Other material considerations

11.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:

(a) the provisions of the development plan, so far as material to the application,

(aza) a post-examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

11.2 The National Planning Policy Framework is a material consideration and paragraph 11 sets out a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

11.3 It is therefore necessary to establish if the 'tilted balance' is engaged in the decision making in this instance. 11d)i) refers to various designations, the most important for the decision making in this instance being SSSI and designated heritage assets (adjacent listed buildings). As will be discussed below, the impacts of the proposals on SSSI's and heritage assets are not sufficient to provide a clear reason for refusing the development. Therefore, the 'tilted balance' of paragraph 11d)ii) is engaged.

A Principle of development (ULP Policies S7, H1, H3, H9, H10, GEN2, ENV5; GDNP Policies DS1:TDA, LSC1, DS13; NPPF)

11.4 Policies S7, H1 and H3 form the basis of the development strategy as set out in the adopted 2005 Local Plan. Whilst it is acknowledged that the Local Plan is out of date insofar as it relates to housing numbers from a different era, it does not necessarily follow that the policies are out of date. Policy S7 is of importance in the determination of this application.

11.5 The application site is located outside the development limits and within the countryside as designated by Policy S7. This policy is partially compliant with the NPPF being compatible with the principles of paragraph 170(b) of the NPPF which requires decisions to be made whilst recognising the intrinsic character and beauty of the countryside. However, given the restrictive nature of the policy it has moderate weight.

11.6 Policy GEN2 relates to good design. Whilst this is predominantly a policy to be considered at reserved matters stage, criterion b) is relevant to be considered at outline stage. This requires development to safeguard important environmental features it is setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate. This policy is compatible with the NPPF and has full weight.

11.7 The site falls within the area covered by Great Dunmow Neighbourhood Plan Policy DS1: TDA: Town Development Area. This policy identifies the area where new development will be directed towards with the remainder of the area being treated as countryside. This proposal falls within the area designated as countryside. Policy LSC1 seeks to secure high quality development respecting the key positive features of the approaches to Great Dunmow.

11.8 The Great Dunmow Town Design Statement identifies the approach along the B1057 and the protection of the agricultural landscape to the north and south of the road is important.

11.9 The Historic Settlement Character Assessment (2007) describes the approach to Church End along Stebbing Road as being one of a very open agricultural landscape on a gradient that descends to the edge of Church End. There is a firm edge to Church End and The Broadway which is heavily treed in places where the distinctive landmark church tower is visible above the tree canopy. This landscape is described as making a clear distinction between built form and countryside form.

11.10 The report goes on to consider the effect of development. It states:

“The principal effect of development on Sector 7 land would be to extend urban development onto highly visible and open rising farmland and introduce an extended urban settlement in close proximity to a small community with a separate identity and an historic core characterised by narrow roads where increased traffic would detract from its historic qualities. A large urban extension here would further diminish the separate characteristics of this small discreet community exacerbating detrimental effects already created by the nearby St Edmunds Fields. Dependant on location, development on sector 7 land could detrimentally affect the impact of the landmark tower of St Mary’s church from some vantage points. In broad summary it is considered that development in this sector would diminish the sense of place and local distinctiveness of the settlement.”

- 11.11 The proposal would introduce a significant amount of new built form within the open countryside. Whilst the site has no special landscape designation, it is of some visual quality and affords long distance views to be taken from the public rights of way over to the historic cores of Great Dunmow town centre and Church End. In addition, the site is visible from within the historic area of Great Dunmow, in particular from areas along The Causeway. The site forms part of the broad sweep of bucolic landscape on the approach to Church End along the Broadway and is fundamental to the quality of the setting of Church End and its conservation area.
- 11.12 Whilst the Development Framework Plan submitted with the application indicates that development would be centred in two separate areas within the site, with a green corridor affording views through to the church tower, this is indicative only as access is the only matter to be determined at this time.
- 11.13 The LVA accompanying the application describes the site as “relatively undistinguished and is fairly typical of the surrounding landscape”. It then goes on to state that the site is not publically accessible, although it is crossed by public rights of way. This is a contradiction in terms. The footpaths (and bridleway) offer public access within and across the site. The footpath in particular affords views across to the church and it is an element of these views that the proposed green corridor is seeking to retain.
- 11.14 The LVA describing the site as “relatively undistinguished” and “fairly typical” fails to acknowledge that this site forms a backdrop to the church tower when viewed from The Causeway. Paragraph 1.159 of the Great Dunmow Conservation Area Appraisal states that the views of Church End and the church tower from Beaumont Hill and the Causeway are important. Notwithstanding the proposal to retain an area of public open space on the higher part of the site, this will change the agrarian backdrop to the church tower to a managed landscape, including the proposed LEAP.
- 11.15 Paragraph 5.6 of the LVA refers to the development proposals being seen in the context of new development currently under construction or with the benefit of planning permission within Great Dunmow. However, there are limited, if any, opportunities for this proposal to be seen in the context of the development approved on the southern end of St Edmunds Lane. The proposal also relies on extensive planting along the eastern boundary to screen the development when approached from the east. However, this would take many years to mature to provide adequate screening, and landscaping does not make an unacceptable proposal acceptable.

- 11.16 Despite the fact that the Great Dunmow Conservation Area Appraisal identifying the views from Beaumont Hill and The Causeway over Church End and the church tower being important, these have not been adequately assessed in the LVA. Viewpoint 23 in the LVA is from The Causeway and has not been assessed. However, viewpoints 20, 21 and 22, a slightly lower levels to that at 23, have been assessed with the commentary stating “the upper floors and roofs of the new houses will be seen above the roofline of existing properties within Church End, from elevated points within the recreation ground.” This has been assessed as having a “slight adverse” impact in both Year 1 and Year 15 of the development. Given the fact that the site is more visible in viewpoints 23 and 24, neither of which are assessed in the LVA, it is the officer’s view that the proposed development would have a moderate adverse impact on the character of the landscape given the importance of the viewpoints.
- 11.17 The findings of the LVA from the majority of viewpoints assessed is that the proposals would result in slight to moderate adverse impacts even after 15 years. In terms of impacts on the receptors using the bridleway along the western boundary of the site, this would be substantial adverse with the bridleway indicated being adjacent to a road for the most part. Conversely, in respect of the users of the public right of way crossing the site, the impacts are assessed as being substantial adverse reducing to moderate adverse in year 15. However, this assessment appears to reflect views out of the site rather than within the site and the changed experience to users of the route.
- 11.18 It is noted that the LVA accompanying this application reaches the general conclusion that the proposals would “read as a continuation of the existing built up area”. This is similar in the findings in respect of the proposal on the opposite side of the Broadway (UTT/18/3157/OP) which was dismissed at appeal on 2 December 2019. This site is different to the appeal site in that it is the continuation of the valley side falling away to the north west and therefore on lower ground. The Inspector stated in paragraph 9 of the decision:
- “Indeed, the stretch of The Broadway where development is proposed to occur is currently clear of built development to both of its sides and only scattered forms of development can be observed across areas of countryside in proximity. In this context the proposal would have a strong urbanising influence at an important approach into Church End and Great Dunmow. Whilst located upon a rising valley slope, I noted, from inspection, that views of the site were available from a considerable distance when approaching on The Broadway.”*
- 11.19 The Inspector went on to discuss the impacts in respect of public rights of way and concluded that the proposed development (up to 50 units) would appear as a “prominent excursion into the open countryside”. Whilst the differences between the two sites are noted, it is officer’s view that this proposal would also represent a prominent excursion into the open countryside adversely affecting an important approach into Church End and Great Dunmow. As such the proposal is contrary to Uttlesford Local Plan Policy S7, and Great Dunmow Neighbourhood Plan Policy DS1 and LSC1.
- 11.20 Notwithstanding the fact that the proposals are contrary to policy, it is necessary to consider other material considerations. Paragraph 14 of the NPPF sets out that where the presumption in favour of sustainable development applies, as set out in paragraph 11d), that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. However, this only applies where the Council can demonstrate a 3

year housing land supply. Currently the Council can only demonstrate a 2.68 year land supply and as such the extra protection of the Neighbourhood Plan does not carry full weight. In addition, it should be noted that the Neighbourhood Plan was adopted in December 2016 and therefore does not comply with criterion a) of paragraph 14.

- 11.21 Paragraph 170b) of the NPPF recognises the intrinsic character and beauty of the countryside. The discussion above reflects this element of the NPPF. However, it is also necessary to consider the benefits of the delivery of additional housing, particularly given the current 5 year housing land supply position. The delivery of 115 dwellings would be of significant benefit, as would the delivery of 40% affordable housing. The proposals would comply with the requirements of Policy H10 and GDNP Policy DS13, and are capable of complying with the requirements of Policy H9. The benefits of the proposals have significant weight in the planning balance, discussed in further detail later in the report.
- 11.22 The proposal would result in the loss of 6.7ha of predominantly grade 3 agricultural land, the type of land that Policy ENV5 seeks to protect. This policy is consistent with the NPPF and I give the policy full weight. However, it must be acknowledged that there are limited brownfield sites within the district and the majority of the district's agricultural land is grade 2 or 3. As discussed above, the proposals would deliver significant benefits with the provision of additional housing, including affordable housing. These benefits would outweigh the loss of agricultural land.

B Impact on heritage assets (ULP Policies ENV2 , ENV4; NPPF)

- 11.23 Policy ENV2 seeks to protect the setting of listed buildings, in line with the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policy ENV2 does not require the level of harm to be identified and this is an additional exercise but one that does not fundamentally alter the basic requirements of the policy. Once the level of harm under paragraph 193 of the Framework is identified, then the balancing exercise required by the Framework (here paragraph 196) must be carried out. Paragraph 213 of the Framework requires a nuanced approach. In light of this, while I consider that Policy ENV2 is broadly consistent with the Framework, I consider that moderate weight should be given to policy ENV2.
- 11.24 The proposal is located in close proximity to Crouches Farmhouse, a Grade II listed building. In addition, the proposal has the potential to affect the setting of the Church of St Mary the Virgin, in particular impacting on the bucolic setting of the church when viewed from the west and north west and also views to the church from within the site. The proposal also affects views to The Clock House, located on the Causeway.
- 11.25 The NPPF seeks to protect designated heritage assets and their setting, and this can include conservation areas. The proposals impact on the approach to and views of the Church End Conservation Area, and also areas of the Great Dunmow Conservation Area and Parsonage Downs Conservation Area.
- 11.26 The application is accompanied by a Heritage Assessment. This identifies the heritage assets which could be impacted by the proposals and assesses the level of harm, if any, arising. The assessment focusses on Crouches Farmhouse, the Church of St Mary the Virgin, Church End Conservation Area and the Clock House, as well as two scheduled ancient monuments at Parsonage Farm.

- 11.27 The Assessment identifies that the proposals are likely to result in less than substantial harm at the lowest end of the scale to Crouches Farmhouse. No harm to the setting of the Church, the Conservation Area or the Clock House were identified.
- 11.28 The proposals have been assessed by the Conservation Officer who identifies that the proposals will impact the agricultural setting of Church End causing a partial loss of open land through which the settlement is understood as primarily a farming community in origin. The application site permits views of the Grade I listed Church of St Mary the Virgin and the proposals will affect its artistic and communal values due to a change in the experience from a historically agricultural environment to being appreciated from within a housing estate and a managed landscape.
- 11.29 The Conservation Officer also identifies that the proposals would infill the open break between the settlement of Church End and Crouches Farmhouse consolidating it with the core, which in turn removes the isolation inherently tied to its understanding as historically a working farm. As such, the proposals are considered to cause less than substantial harm to the significance of a number of designated heritage assets as derived from their setting. This harm is at the low end of the scale and the harm needs to be weighed against the public benefits of the scheme, which will be assessed in the planning balance below.
- 11.30 Policy ENV4 seeks to protect archaeological heritage assets. Like Policy ENV2 this policy does not require the level of harm to be identified and this is an additional exercise but one that does not fundamentally alter the basic requirements of the policy. Once the level of harm under paragraph 193 of the Framework is identified, then the balancing exercise required by the Framework (here paragraph 196) must be carried out. Paragraph 213 of the Framework requires a nuanced approach. In light of this, while I consider that Policy ENV4 is broadly consistent with the Framework, I consider that moderate weight should be given to policy ENV4.
- 11.31 The County Archaeologist has identified that the site lies within a potentially sensitive area of heritage assets. The proposed development lies within an area of known archaeological deposits. The proposed development is located in an area of cropmark evidence comprising linear features south of the historic farmstead of Crouches dating to the sixteenth century (EHER 18069). Archaeological investigation within the historic core of Church End has uncovered prehistoric (Mesolithic, Neolithic and early Bronze Age), Roman, medieval and post-medieval occupation. The earliest building in the settlement is the church of St Mary the Virgin, which is 13th century, and is thought to occupy the site of a late Saxon predecessor.
- 11.32 The County Archaeologist has recommended an archaeological programme of trial trenching followed by open area excavation. This can be secured by condition if planning permission is granted. This would be sufficient mitigation to off-set the harm to the heritage assets and as such the proposals would comply with Policy ENV4 and the NPPF.

C Highways (ULP Policy GEN1; GDNP GA1, GA2, GA3 NPPF)

- 11.33 Policy GEN1 seeks to ensure development proposals would not adversely affect the local highway network and encourage sustainable transport options. This is

generally consistent with the NPPF and has moderate weight. Great Dunmow NP policies GA1, GA2 and GA3 relate to various aspect of sustainable transport promoting other means of transport other than the private car, namely public rights of way and public transport. These principles were in line with the 2012 NPPF and form part of the principles of sustainable development in the 2019 NPPF and as such are considered to carry full weight.

- 11.34 The proposals are indicated to have one point of access onto The Broadway. These proposals have been assessed by the Highway Authority who confirm that, subject to the construction of the proposed access with the required visibility splays there will be no adverse impacts on the local highway network arising from the proposals.
- 11.35 In line with paragraph 108 of the NPPF, and the GDNP policies GA1-3, the highway authority has developed an outline public transport strategy for Great Dunmow. As part of the strategy the Highway Authority is recommending that a proportionate contribution be made towards the strategy. The strategy intends to provide a regular service to the site, which currently only benefits from infrequent off peak services, and provide support for the service for 5 years. This contribution alone will provide a bus for two and a half years only and therefore to be effective must be part of the wider strategy. In addition, it is recommended that a means is provided for a bus to turn within in the site to allow the service to be provided without crossing the weight restricted bridge on the Broadway. This contribution can be secured by way of s106 Legal Obligation if planning permission were to be granted.
- 11.36 Other requirements for improvements to infrastructure that would be required in order to secure sustainable transport options would be the provision of a footway along the south eastern side of the Broadway and ensuring that links to the existing public right of way network are secured. In addition, improvements to the bus stops would be required. These measures can be secured by way of conditions if planning permission were to be granted. Therefore, subject to these requirements, the proposals would comply with Policies GEN1, GA1, GA2 and GA3.

D Ecology (ULP Policies GEN7, ENV7; NPPF)

- 11.37 Policy GEN7 relates to nature conservation and seeks to protect habitats and protected species. This policy is partially consistent with the NPPF but the NPPF strengthens the requirements, including the requirement for biodiversity enhancements. As such the policy has limited weight.

Policy ENV7 seeks to protect designated areas of nature conservation, such as SSSIs, National Nature Reserves and Local Wildlife Sites. This policy is partially consistent with the NPPF with the NPPF setting out a hierarchy which is different to the policy approach. As such this policy has limited weight.

The application site is currently in agricultural use and therefore has limited potential for providing habitats for protected species. The main benefit arises from the proximity to the woodland. The submitted Preliminary Ecological Appraisal identifies opportunities for biodiversity net gain.

The proposals have been considered by the County Ecologist who raises no objections to the proposals subject to conditions. Subject to conditions, the proposals comply with Policy GEN7.

The County Ecologist has advised that this application is situated within the Impact Risk Zone for Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR), as shown on MAGIC map (www.magic.gov.uk). Therefore, Natural England's revised interim advice to Uttlesford DC (ref: HatFor Strategic Interim LPA, 5 April 2019) should be followed to ensure that impacts are minimised to this site from new residential development. As this application contains more than 50 units, Natural England have proposed that a financial contribution should be provided towards the delivery of off-site Strategic Access Management Measures (SAMMs) for Hatfield Forest SSSI/NNR, which will need to be secured via legal agreement. In addition, as this application actually contains more than 100 units, the development must contain adequate Accessible Natural Greenspace (ANG) within the redline boundary.

The County Ecologist acknowledges that the Preliminary Ecological Appraisal (CSA Environmental, June 2019) has indicated that contribution towards the SAMMs will be provided for this application. In addition, the Development Framework Plan (CSA Environmental, March 2019) demonstrates that adequate Accessible Natural Greenspace (ANG) will also be provided. Therefore, subject to the SAMMs being secured by legal agreement, we are satisfied that the development will provide appropriate mitigation will be secured for Hatfield Forest SSSI/NNR.

The request for securing SAMMS by s106 Legal Obligation is noted. However, at the current time the SAMMS proposal is still the subject to consultation and the tariff has not yet been established. At the present time there is no guarantee that the SAMMS will be adopted and therefore it would be irrational to secure this in a legal obligation. However, at appeal in two recent public inquiries a compromise has been offered by applicants that a s106 Legal Obligation includes a clause requiring the payment of SAMMS should the proposals be adopted by the time the development commences on site. Therefore, if Members are minded to approve the application then this could be included in a legal obligation and the proposals would comply with Policy ENV7.

E Flood risk and groundwater protection (ULP Policies GEN3; NPPF)

Policy GEN3 seeks to protect sites from flooding and to ensure that development proposals do not lead to flooding elsewhere. This policy is partly consistent with the NPPF, although the current national policy and guidance are the appropriate basis for determining applications. As such, this policy has limited weight.

The site is located within Flood Zone 1 and therefore the area least likely to flood. However, the proposals would introduce a significant area of impermeable surfacing which could increase the flood risk elsewhere without appropriate mitigation. The Flood Risk Assessment submitted with the application identifies the appropriate mitigation measures required. This includes a system of on-site storage retention systems. The proposals have been assessed by the Lead Local Flood Authority who raise no objections to the proposals subject to conditions securing the mitigation measures. As such, the proposals comply with Policy GEN3 and the policy set out in the NPPF.

F Infrastructure (ULP Policy GEN6; GDNP SOS2; NPPF)

Policy GEN6 seeks to ensure development proposals meet the infrastructure requirements arising from the impacts of the proposals. This policy is generally consistent with the NPPF and is given full weight. Policy H9 sets out a requirement for 40% affordable housing and the policy is consistent with the NPPF and is given full weight. The Great Dunmow Neighbourhood Plan Policy SOS2 seeks to secure additional sports provision through a planning obligation..

The proposal includes the provision of 40% affordable housing and given the need for the district this element of the proposals is given significant weight. The proposal also incorporates substantial areas of public open space, approximately 50% of the site area. The public space includes the provision of a LEAP and recreational routes connecting to the existing public rights of way network. These provisions are partially to meet the requirements of the development and partially to form areas of softer development as mitigation for impacts on heritage assets. The mitigation measures includes retaining the views to heritage assets and reducing the impacts on the setting of heritage assets. In addition, the mitigation is required in order to reduce the recreational impacts on Hatfield Forest. Additional benefits are delivered for biodiversity and ecology. As such, this element of the proposals is given minimal weight. These contributions are considered to comply with the CIL Regulations.

Statutory consultees have identified the requirement for financial contributions should the development be approved in order to mitigate impacts. NHS England has stated a requirement for £59,040 to improve health facilities in Great Dunmow. ECC Education has identified that the proposals would increase the demand for Early Years and Childcare provision in the area and as such a financial contribution of £17,422 per place (10.35 spaces on the indicative mix) would be required. These mitigation measures could be secured by way of a s106 Legal Obligation if planning permission were to be approved. These contributions are considered to comply with the CIL Regulations.

ECC Education has identified that there is a significant shortfall of primary school places in Great Dunmow and all expansion options have now been exercised. A new school is required prior to there being any increase in capacity for primary education provision. Whilst planning permission has been granted for two schools in Great Dunmow the sites have not yet come forward. This proposal would result in an increased demand of 34.5 places at primary level which cannot be accommodated. Financial contributions are insufficient to mitigate the impacts due to the lack of capacity. However, if planning permission were to be approved then it would be essential to secure a contribution of £12,200 per place.

As discussed above, the site falls within the Zone of Influence for recreational impacts on Hatfield Forest. Natural England and the National Trust are currently consulting on a SAMMs strategy requiring financial contributions to off-set the impacts. At the present time it is the Council's view that this is a consultation document and has no identified timetable for adoption. Furthermore, the level of the financial contribution has not yet been set. Therefore, the request for the contributions does not meet the CIL Regulations at the present time. On other sites a clause has been included in s106 Legal Obligations requiring the financial contribution to be paid if the SAMMs is adopted at the time of implementation of the development. This could be an appropriate course of action here if planning permission were to be granted.

ECC Highways has identified mitigation measures that would be required to improve the sustainability of the development site. These include improvements to bus infrastructure, although it is noted that these serve the 313 route which is currently out for consultation to be deleted. However, a financial contribution is also sought for the emerging bus strategy for Great Dunmow which will provide a regular service to the proposed development. Therefore, in combination, the proposed mitigation measures are considered to comply with the CIL Regulations.

G Other material considerations

On 10 January 2020 the Inspectors issued their findings on the Stage 1 examinations of the emerging Local Plan. This has raised significant concerns with regard to the proposed plan. In Paragraph 114 the Inspectors state that they consider that the Council would need to allocate more small and medium sized sites that could deliver homes in the short to medium term and help to bolster the 5 year housing land supply, until the Garden Communities begin to deliver housing. At the time of preparing this report the Council is considering its options with regard to the emerging Local Plan. In any event, the Inspector's letter relates to 'plan making' and not to the fact that all emerging small and medium sized sites should be granted planning permission. Decisions still need to be made on the planning balance.

12. PLANNING BALANCE

Policy	Proposals in accordance with policy?	Policy compliance with NPPF	Weight
S7	Proposals do not comply with Policy S7	Partially compliant	Moderate
GEN1	Proposals would comply with Policy GEN1 with appropriate mitigation	Generally consistent	Moderate
GEN2	Proposals do not comply with Policy GEN2	Generally consistent	Moderate
GEN3	Proposals comply with Policy GEN3 with appropriate mitigation	Partly consistent	Limited
GEN6	Proposals comply with Policy GEN6 subject to the completion of a satisfactory s106 Legal Obligation	Generally consistent	Full
GEN7	Proposals would comply with Policy GEN7 with appropriate mitigation	Partially consistent	Moderate
ENV2	Proposals would result in less than significant harm to the setting of listed buildings at the lower end of the spectrum	Broadly compliant but NPPF requires a balancing exercise	Moderate
ENV4	Proposals could result in harm to archaeological deposits without mitigation	Broadly compliant but NPPF requires a balancing exercise	Moderate
ENV5	Proposals do not comply with Policy ENV5	Consistent	Significant

ENV7	Proposals would comply with Policy ENV7 with appropriate mitigation	Partially consistent	Limited
ENV10	Proposals would comply with Policy ENV10 with appropriate mitigation	Consistent	Significant
ENV14	Proposals would comply with Policy ENV14 with appropriate mitigation	Consistent	Significant
H1	Policy is one of a suite that establishes the spatial strategy for the district	Does not comply	No weight
H3	Policy is one of a suite that establishes the spatial strategy for the district	Generally consistent	Moderate
H9	Proposals comply with Policy H9 subject to the completion of a satisfactory s106 Legal Obligation	Consistent subject to robust evidence	Moderate
H10	Proposals are capable of complying with Policy H10, although a matter for reserved matters stage	Consistent if in accordance with local needs survey	Moderate
Great Dunmow Neighbourhood Plan			
DS1	Proposals fail to comply with Policy DS1	Consistent	Significant
DS13	Proposals are capable of complying with Policy DS13, although a matter for reserved matters stage	Consistent	Significant
LSC1	Proposals fail to comply with Policy LSC1	Consistent	Significant
GA1	Proposals are capable of complying with Policy GA1, although a matter for reserved matters stage	Consistent	Significant
GA2	Proposals are capable of complying with Policy GA2, although a matter for reserved matters stage	Consistent	Significant
GA3	Proposals comply with Policy GA3 subject to the completion of a satisfactory s106 Legal Obligation	Consistent	Significant

The proposals do not comply with the requirements of Policies S7, ENV2 and GEN2 which seek, inter alia, to protect the character of the area and the setting of listed buildings. The proposals also fail to comply with GDNP Policy DS1 which seeks, inter alia, to protect the rural setting of Great Dunmow. However, the NPPF requires planning applications for sustainable development to be favourably

considered and the benefits of the proposals need to be weighed against the harm identified.

The proposals would result in harm to the character and appearance of the countryside with the introduction of significant areas of built form, out of scale and keeping with the character of the rural area. The areas of built form will result in less than significant harm to a number of heritage assets at the lower end of the spectrum. Paragraph 196 of the NPPF requires this harm to be weighed against the public benefits of the proposals.

Mitigation is proposed through the proposed layout thus enabling some views to the heritage assets. However, overall there would be a significant change to the way in which the heritage assets are viewed and appreciated. The public benefits are the provision of new dwellings, including 40% affordable housing, both of which are afforded significant weight. The added protection of the Great Dunmow Neighbourhood Plan is not applied due to being more than 2 years old and the Council only having a 2.68 year housing land supply.

Other benefits from the proposal, such as infrastructure improvements or financial contributions, are mitigation measures to off-set the impacts of the proposals and are therefore given limited weight.

When taking the Framework as a whole, the benefits of the proposal are considered to not outweigh the harm to the character of the rural area and the setting of heritage assets. Therefore, it is recommended that the application be refused.

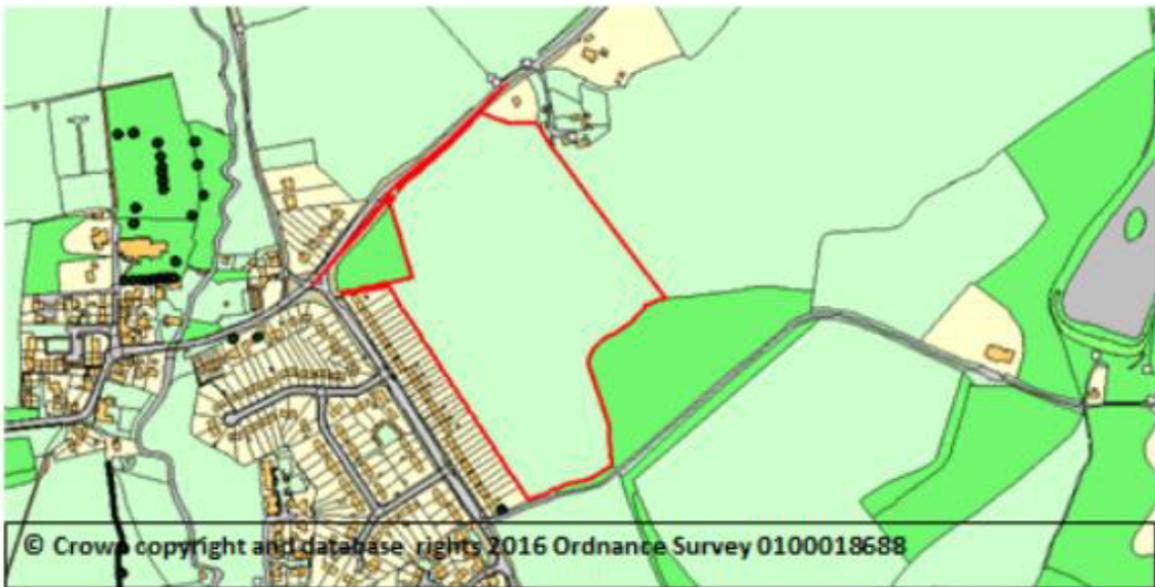
RECOMMENDATION – REFUSAL

Refusal Reasons

1. The proposal would result in the introduction of new built form at a rural fringe location situated outside the defined development limits. It would represent a separate physical area of considerable urban development within the countryside. The proposal would represent a form of development that does not need to take place and is not appropriate to this particular rural area. Furthermore, the proposal would fail to protect or enhance the character of the countryside within which it is set and no special reasons have been put forward as to why the development in the form proposed needs to take place there. The proposal is therefore contrary to ULP Policy S7 of the Uttlesford Local Plan (adopted 2005), and Policies DS1 and LSC1 of the Great Dunmow Neighbourhood Plan. In view of this, the proposal would fail to amount to a presumption in favour of sustainable development as the adverse impacts of granting permission would significantly and demonstrably outweigh the limited benefits of the proposal, including the supply of new housing in the tilted planning balance under paragraph 11 of the National Planning Policy Framework.
2. The proposal would result in the urbanisation of the rural area which makes a significant contribution to the setting of the Church End (Great Dunmow) Conservation Area, and the site provides a setting to and views of the Grade I listed Parish Church of St Mary the Virgin, and the grade II listed Crouches Farmhouse. The proposals would consequently result in adverse harm to heritage assets whereby the public benefits of the proposal would not outweigh the harm. The proposal would therefore be contrary to paragraph 196 of the National

Planning Policy Framework and ULP Policy ENV2 of the Uttlesford Local Plan (adopted 2005).

3. The proposal does not provide any mechanism to secure the infrastructure requirements arising from the development, including the need for financial contributions towards additional healthcare facilities, early years and childcare, and primary education requirements, the delivery of 40% affordable housing, the provision of open space and the subsequent maintenance of these areas, or improvements to sustainable transport options. The proposal is therefore contrary to the National Planning Policy Framework and ULP Policies GEN1 and GEN6 of the Uttlesford Local Plan (adopted 2005).



Organisation:	Uttlesford District Council
Department:	Planning
Date:	31.01.2020

UTT/19/2118/OP – FELSTED

MAJOR

PROPOSAL:	Outline application with all matters reserved except for access for the erection of up to 41 no. dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping
LOCATION:	Land East And North Of Clifford Smith Drive Felsted
APPLICANT:	Mr D Payne
AGENT:	Mr C Loon
EXPIRY DATE:	26TH November 2019. EOT 22nd January 2020
CASE OFFICER:	Mrs Madeleine Jones

1. NOTATION

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

2. DESCRIPTION OF SITE

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

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

2.9 The land is mainly grade 3 agricultural land

3. PROPOSAL

3.1 Outline application with all matters reserved, except for access, for the erection of up to 41 no. dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping

3.2 The indicative layout shows a mix of dwellings and it is proposed that they would be a range of dwellings from 1 bedroomed to five bedroomed houses.

The indicative proposed mix is 4 x 5 bed, 8 x 4 bed, 16x3 bed, 11x 2 bed and 2 x 1 bed. Of these 40% would be affordable housing (16) and would include seven bungalows. The proposed density of the site is 14 dwellings per hectare.

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

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

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

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

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

3.8 There would be ten visitor parking spaces provided.

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 applicants case is supported by the following documents:

- Design and Access Statement
- Planning Statement incorporating Heritage Statement
- Biodiversity questionnaire
- Flood risk assessment and drainage strategy
- Great Crested Newt and Reptile Survey Report
- Community Consultation Report
- Transport Statement

- Landscape and Visual Appraisal
- Preliminary Ecological Appraisal
- Phase 1 Geo-environmental Desk Study Report (contamination)
- Addendum to Great Crested Newt and Reptile Survey Report and mitigation Options Report
- Report to inform a Habitats Regulations Assessment

6. RELEVANT SITE HISTORY

- 6.1 DUN/0302/61 - Site for residential development. Refused
- 6.2 UTT/0892/90 - Construction of outside leisure facilities including lake for angling 4 no tennis courts, bowling green, Approved with conditions.
- 6.3 UTT/0981/91 - Erection for indoor bowling facilities with ancillary parking and removal of four redundant farm buildings. Refused.
- 6.4 UTT/ 18/0784/OP - Outline application with all matters reserved, except for access, for the erection of up to 30 no. dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping. Refused. Allowed on appeal.

7. POLICIES

Uttlesford Local Plan (2005)

ULP Policy S7 – The Countryside
 ULP Policy H9 – Affordable Housing
 ULP Policy H10 – Housing Mix
 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 GEN6 - Infrastructure Provision to Support Development.
 ULP Policy GEN7 – Natural Conservation
 ULP Policy GEN8 – Vehicle Parking Standards
 ULP Policy ENV7 - County Wildlife Site
 ULP Policy ENV13 – Exposure to poor air quality
 ULP Policy ENV2 – Listed Buildings

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

8. PARISH COUNCIL COMMENTS

8.1 Felsted Parish Council strongly objects to the application for an increase in dwellings on this site for the following reasons.

Previous claims for a “low density” scheme

The original application for this site, outside the Village Development Limits in open countryside, UTT/18/0784/OP stated in the submitted Design and Access Statement that the application was for a Low density Scheme of 12.5 dwellings per hectare.

The application went on to say “Up to’ 30 no. dwellings are proposed. The definition gives flexibility to reduce the number of dwellings e.g. in a future detailed application. However, the intention of the application is to demonstrate that a maximum of 30 no. dwellings can be successfully accommodated at this site”.

It added under the “Layout and Landscaping” statement;

“The plan shows a scheme of 30 dwellings within a low density scheme. It is designed to reflect a similar density to the adjacent housing area. The design has been led by a rigorous assessment of the landscape”.

UDC refused the previous application which then went to appeal, which was allowed.

This updated application to increase housing density, through proposing 41 houses in the same development footprint as previously offered for 30 dwellings, shows a cynical disregard of the previous claims to respect the adjacent development and the community of Watch House Green.

Impact on adjacent Grade 11 listed building – Weavers Farm

Appeal Ref: APP/C1570/W/18/3210034

In allowing the appeal for 30 houses, the Inspector recognised the potential impact on the setting of the adjacent grade 11 listed building, Weavers Farm. The Inspector advised that, in determining the appeal, regard was paid to the significance of the listed building’s historic architecture and its traditional vernacular appearance, saying “it contributes to the rural character of the area”.

The Inspector said, overall, “I consider the proposed development would harm the character and appearance of the area and would conflict with LP Policy S7 which states 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. However, the harm identified would be limited given the localised and self-contained nature of the site and the limited impact on views to the development described above”.

The PC believes that any increased density would negatively impact the setting of the Grade 11 Weavers Farm.

Original application was refused twice by UDC Planning Committee

This new application selectively references both the Emerging Local Plan and Felsted Neighbourhood Plan (FNP), pointing out that the Appeal Inspector, whilst recognising the conflict with the FNP, said they could only apply limited weight because the FNP was some way from being made.

However, that was several months ago. These conflicts still exist but by contrast; the FNP has now been with the Examiner at Regulation 19 for several weeks and is very much more advanced.

The UDC Planning Committee twice refused the original application having discussed the conflict with the FNP.

Felsted PC believes that the FNP should now be considered a significant Material Consideration. The FNP does not support this site but importantly does support the delivery of 63 dwellings in other identified locations, which also offer significant community benefit.

Cumulative Impact of housing numbers

Felsted has had over 104 dwellings approved since January 2019 and the cumulative influence of such significant housing numbers has an adverse impact of both the community and the infrastructure of Felsted.

As one example, as confirmed by the School Head in his submission to the original application, our Primary School is full in every year except one.

If this application for an increase in dwelling numbers is allowed, in addition to the 104 dwellings already approved for Felsted this year, where exactly are the children from 115 homes expected to go when the Primary School is already full to capacity? The Local Authority simply demands a financial contribution towards education, but money is not what is needed; it is adequate pupil capacity or more importantly, a halt to the unrealistic constant approval of additional dwellings in a community that is already full to bursting point.

Respect for the fact that Felsted Parish is demonstrating a "Plan led" approach.

Felsted Neighbourhood Plan has been developed over almost 5 years with considerable community involvement.

The UDC Submitted Local Plan allocates 134 dwellings across ALL "Type A" villages, of which Felsted is one of 19, to 2033.

The Felsted Neighbourhood Plan (currently at Regulation 19) allocates 63 dwellings during the Plan period.

As stated above, Felsted has already had 104 dwellings approved this year alone, add the 63 in the FNP and it will be 167 so Felsted is already providing significantly more housing than is reasonable or equitable.

9. CONSULTATIONS

Essex Police

- 9.1 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.

Essex County Council Highways

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

ANGLIAN WATER

9.3 Assets

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

9.4 Wastewater Services

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

9.5 Section 3 - Used Water Network

This response has been based on the following submitted documents: flood risk assessment and drainage strategy. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

9.6 Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

ESSEX COUNTY COUNCIL – EDUCATION

- 9.7 Assuming that all of these units are homes with two or more bedrooms, a development of this size can be expected to generate the need for up to 3.69 Early Years and childcare (EY&C) places, 12.30 primary school, and 8.20 secondary school places.

The developer contribution figures referred to are calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

9.8 Early Years and Childcare

The proposed development is located within the Felsted Ward. According to Essex County Councils childcare sufficiency data, published in summer 2019, 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 demand from this proposal. An additional 3.69 places would be provided at an estimated total cost of £64,287.18 at April 2019 prices. This equates to £17,422 per place. So, based on the demand generated by this proposal set out above, a developer contribution, index linked to April 2019, is sought to mitigate its impact on local EY&C provision.

Primary Education

- 9.9 This development would sit within the priority admissions area of Felsted School. The school has just 120 places in permanent accommodation and currently uses temporary class bases to provide for the 271 pupils on roll (May 2019). Having taken a couple of bulge groups, the school now has a Planned Admission Number of 30 pupils per year. The school was fully subscribed with a waiting list for the September's intake. Looking at the wider area which includes Flitch Green and Stebbing Primary Schools, the Essex School Organisation Services 10 year plan to meet demand for school places forecasts a need for additional spaces in eight of the ten year groups covered. So, based on the demand generated by this proposal, a developer contribution of £187,956.30, index linked to April 2019, is sought to mitigate its impact on local primary school provision.

Secondary Education

- 9.10 A developer contribution is not sought to mitigate this proposals impact on local secondary school provision.
- 9.11 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.

London Stansted Airport

- 9.12 We have no aerodrome safeguarding objections to the outline proposal.

NATS SAFEGUARDING

- 9.13 NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

Archaeology

- 9.14 The Historic Environment Record indicates that the proposed development lies within a potentially sensitive area of heritage assets. To the south of the development site lies the remains of a medieval settlement recently identified in excavations (EHER 49073). A moated site is also located to the south of the area at Little Grant Courts (EHER9562). West of the proposed development lies an extensive spread of cropmark evidence (aerial photographic interpretation) which shows a sequence of enclosures and field systems, indicative of an extensively farmed landscape. There is therefore the potential for multi-period archaeological remains to be encountered within the proposed development.

Recommendation: Archaeological Trial trenching followed by Open Area Excavation

Ecology Place Services

- 9.15 No objection subject to securing biodiversity mitigation and enhancement measures
Summary
We have reviewed the revised Preliminary Great Crested Newt and Reptile Mitigation Options (SES, October 2019) submitted by the applicant. This, with previously submitted documents, now relates to the likely impacts of development on designated sites, protected species and Priority species & habitats.
We are therefore 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.
- 9.16 As mentioned in the Great Crested Newt and Reptile Survey (Hybrid Ecology, May 2018) *“since there is potential for an offence (killing/injury of Great Crested Newts) to be committed during site work, a Natural England mitigation licence will be required.”* From the Preliminary Great Crested Newt and Reptile Mitigation Options (SES, October 2019) we note that the applicant would like to utilise the upcoming Essex Great Crested Newt District Level Licencing Scheme. The current Natural England Guidance for the Kent scheme states: *“you can join the scheme if you’re planning a new phased development or are part way through an existing one. You must not start development work until you receive your licence from Natural England.”* If, once the Essex Great Crested Newt District Level Licencing Scheme is launched, the applicant does not desire to use this scheme, the development should proceed using the current Natural England EPS licencing scheme. To ensure any protected and Priority species are not harmed by the development, a Construction Environmental Management Plan (Biodiversity) should also be secured as a condition of any consent. This will demonstrate the LPA’s duty to prevent wildlife crime under s17 Crime & Disorder Act 1998.
- 9.17 We also note that the Preliminary Great Crested Newt and Reptile Mitigation Options (SES, October 2019) states that the development will require the translocation of common lizards. A Reptile Mitigation Strategy should therefore be prepared which should identify the chosen translocation site, if site enhancements are necessary and an appropriate methodology for the translocation. This should be secured as a condition of any consent.
- 9.18 We note that the Preliminary Ecological Appraisal (T4 Ecology, March 2018) identifies sections of the site were inaccessible during the survey due to the density of the vegetation, and a comprehensive survey for signs of badgers could not be completed. As recommended in this report *“The site should be subject to careful, phased clearance under ecological supervision as appropriate... Should evidence of badger setts be identified during clearance, setts should be left undisturbed until it can be established by way of further ecological investigation as to whether the sett is active, whether it has the potential to be disturbed by development, and whether a license would be required to disturb the sett in relation to the proposals.”*
- 9.19 The mitigation measures identified in the ecological documents submitted should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species.
- 9.20 We also support the proposed reasonable biodiversity enhancements included in the Preliminary Ecological Appraisal (T4 Ecology, March 2018), 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 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.

- 9.21 The site is situated within the recreational impacts Zone of Influence (ZOI) for the Essex Coast RAMS. Therefore, Natural England's advice should be followed to ensure that recreational impacts to the coastal Habitats sites are minimised from new residential development. The LPA is therefore advised that a financial contribution should be sought from the applicant in line with the Essex Coast RAMS, to be secured by legal agreement. The LPA will also need to prepare a HRA Appropriate Assessment Record to record the likelihood of any adverse effect on site integrity and secure the developer contribution for delivery of visitor management measures at the Blackwater Estuary SPA and Ramsar sites. We advise that the applicant should discuss this matter with the Local Planning Authority prior to submission of any details.

Lead Local Flood Authority

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

Essex County Council Highways

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

10. REPRESENTATIONS

- 10.1 Neighbours were notified of the application by letter and site notices were displayed at the front of the site. The application has been advertised and 17 representations have been received. Expiry date: 8th October 2019
- 10.2 The following concerns have been raised:
- 10.3 The Planning Committee rightly refused the previous application for up to 30 houses. Unbelievably the Planning Inspectorate allowed the appeal based on some very dubious opinions and by basically ignoring facts about the available services. School full - ignore .Neighbourhood plan - ignore etc. etc.
So what do our cynical developers do - apply for 41 houses, an increase of more than 36%.
Actually not cynical, plain greedy and ignores the comments of the appeal decision. The transport assessment is a wonderful work of fiction based on what? Not facts evidently. Their table of movements is so obviously incorrect for 40 houses. They quote a bus service to Chelmsford suitable for commuters, 4 a day each way and the last bus from Chelmsford at 6pm!
- 10.4 Inadequate parking provision
- 10.5 Impact on biodiversity- deer, buzzards. Loss of habitats. The site itself has significant wildlife and only on Monday did we see the return of the herd of wild deer that regularly occupy the area. With vast areas of farmland around the site this area gives these animals and other wildlife a significant area of habitat and was part of

the reason that the development at Clifford Smith Drive and Porter Close was originally accepted. This site was there for the animals and wildlife to occupy. If the proposed development went ahead this would eradicate many species of animal. We selected this particular house on the plot due to the landscape opposite which is home to an abundance of nature and wildlife, and is now where the proposed housing is planning to be erected. We regularly see a deer/stag family present in this field as well as barn owls and fear for where they may be RE-housed during the construction? Alongside this, there are other creatures who inhabit this land which seems to have been given no regards whatsoever and the new building work will affect the pond life located at the far end of Clifford Smith Drive - the future of this village and on a wider scale, our wildlife is being threatened due to extensive development.

- 10.6 Felsted has in the past met or exceeded their requirement in this area - Uttlesford may not have but that is irrelevant - and the Felsted Neighbourhood Plan covers the next 15 year housing supply - it has now passed formal examination.
- 10.7 Highway safety – Road too narrow. Old bridge is extremely dangerous. Speed limit needs reducing. Traffic Congestion. The entrance to the new site also raises concern. This is proposed off of the north of Clifford Smith Drive, where there is not the existing infrastructure to give safe access, further increasing the risk for existing residents. The access point for the 41 homes would create a bottle neck as it meets Clifford Smith Drive especially as a number of cars are often parked along side the road which reduces the road to a single car width.
- 10.8 The Felsted Neighbourhood Plan (which has considered all relevant local factors) has already identified two potential sites for housing. This huge development if allowed to proceed will make a mockery of all the hard work and contributions of the local community in formulating the Neighbourhood Plan.
- 10.9 Inadequate infrastructure
- 10.10 Local school oversubscribed. Children will have to be transported by road
- 10.11 Local doctors surgery is full and cannot cope with the current demand. Our doctors' surgery is already overfull. There is provision of a new surgery in the Neighbourhood Plan, but at present it looks as though this carefully drawn up plan will be overwritten by the speculative builders.
- 10.12 Pollution
- 10.13 Flooding and drainage issues
- 10.14 It is an opportunity to try and make more money for the applicant at the expense of all concerned who live in the area.
- 10.15 I cannot contemplate for one moment why this application would be granted - it is a blatant attempt to undermine the efforts of the parish council to produce a robust neighbourhood plan, and this is simply seeking to get in before the cut off. There is one motive only, and the interests of our residents are not considered at all.
- 10.16 Further development on this site will change the nature of the hamlet.
- 10.17 Our lovely Felsted has grown in the 5 years we have been here. We moved from the city to enjoy the beautiful peaceful countryside now it is so much bigger. The roads

and schools can't cope the noise and smell of traffic is awful. Parking for the school is horrendous and day to day living is a problem. Getting to the village shop should take a few minutes but with all the traffic it can take much longer.

The beautiful scenery is now filling with new builds. The surgery can't cope. We don't need the extra burden of more properties spoiling our beautiful village life. We are a village not a town please keep it that way. We don't have the facilities for more properties we want green fields and trees that is why we moved from the city.

- 10.18 We have lived in Watch House Green for over three. We are horrified in how the area is continually being forced to grow and understand that the building application for the site known as Maranello has recently been passed. If this planning application for the site adjacent to Clifford Smith Drive is approved it will desecrate the structure of Watch House Green to the detriment of residents and wildlife.
- 10.19 This application is a cynical attempt to make more money out of this site. Having won approval at appeal the developer feels emboldened to ask for more than 1/3 more houses, not a 'slightly larger number' as described in Mr Loon's letter. This shows a brazen lack of regard for the earlier reservations about even more housing at Watch House Green.
- 10.20 Watch House Green Primary School is full and the financial contribution in the 106 legal agreement will not of itself provide educational spaces. This school monetary provision will NOT, in reality, address the educational shortfall. Further, the traffic movements around Watch House Green are seriously hampered morning and afternoon - both for our own Primary School and also for Felsted School and Felsted Preparatory School. There are frequent jams as the roadway is carrying two way traffic and cars are parked along all the roads. At my last count at 3pm there were 100+ cars parked - from Chaffix Farm to the entrance of Whippersnappers' Nursery and to halfway to Bannister Green. There is a solution offered in the NHP, but this may never happen in the face of the over-development being allowed in Felsted.
- 10.21 Watch House Green has 58 more houses already in the pipeline. In addition there is the recent development of Clifford Smith Drive. To allow this increase in numbers will bring the total of new dwellings to over 100. Further there is the proposed several thousand new homes in the shared Braintree and Uttlesford proposal for "West of Braintree" and an application to build many houses to the west of the Flich Way. The overall pressure on the area is immense
- 10.22 The water supply in Felsted has always been precarious. We witnessed the destruction of a school house by fire fairly recently, which was exacerbated by the lack of readily available water to the fire appliances.
- 10.23 The application does not offer any solution to the existing SUDS situation as it's not performing as required. The pond in front of our house has on two occasions flooded our neighbour.
- 10.24 By creating the new Bund for the new development this will increase the excess water flow into the pond at 24 Clifford drive. By creating this extra flow of water it will create a flood risk for my property. I can confirm my house has been flooded due to this pond overflowing. This has happened on two occasions and the last being in April 2018.
I would also like to add that at no time has anyone contacted me from the company carrying out the flood surveys to discuss if there has been any flooding in this area. Who is the third party they spoke too? This development needs to be objected as it

will create a higher water flow the pond at 24 Clifford Drive of which will flood adjacent properties.

- 10.25 This latest application epitomizes the greed of developers they are not satisfied that they have been granted the right to build 30 homes, they now wish to increase this to 41. We cannot allow the developers to dictate the building of homes for maximum profit where will this end. The other site opposite the proposed site (Maranello) also won its appeal so another 28 homes will be built. Where is the infrastructure for all these developments? The B1471 is a B road and cannot keep sustaining the increased level of traffic. The road is already at a stand still during school drop off and pick up.
- 10.26 When we moved here 22 years ago Watch House Green was a hamlet. The granting of building Clifford Smith Drive has certainly opened the floodgates to the developers. If this application is approved it will increase the house numbers by an additional 69. Yet more permission has been given for 4 more homes opposite the Watch House as well as further development in Stevens Lane. All these hamlets will merge into Felsted and it will become another Flitch Green.
- 10.27 This unnecessary spread of characterless properties is becoming all too regular with the same developer tactics.
- 10.28 Myself, along with my family, including 2 young children have lived here since April 2017 and one of the main reasons we chose to move here was the appeal of a small unobtrusive neighbourhood surrounded by greenery. If it had been larger or more developed, it would have strongly affected our decision as we wanted to settle somewhere peaceful and in the countryside.
- 10.29 The additional traffic, not to mention the heavy construction traffic that is being proposed, will change the community and village considerably.

11. APPRAISAL

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

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

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

- 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 paragraph 5 confirms that the NPPF is a material planning consideration.

- 11.2 The application site is located outside the development limits of Felsted 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. Notwithstanding this, there is a presumption in favour of sustainable development as set out in the NPPF.
- 11.3 Paragraph 11 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In this regard, the most recent housing trajectory identifies that the Council has a 2.68 year land supply. As such the Council cannot demonstrate a five year supply of deliverable housing sites and because the figure is less than three years supply, the added protection of Paragraph 14 would not apply, even if the Felsted Neighbourhood Plan was made. At present it has still to pass through the referendum stage.
- 11.4 The NPPF recognises the intrinsic character and beauty of the countryside. At present Felsted Parish forms a group of hamlets which are each separated by open countryside. There is a new development of residential housing to the south west of the site and a Grade II listed building to the north beyond hedging and landscaping. It is necessary to assess the potential impacts on the setting of the adjacent listed building, as set out in Policy ENV2.
- 11.5 The indicative layout shows rear garden to properties backing onto the boundary with Weavers Farm. Views of Weavers from the application site are largely screened. Additionally, the application is for outline with all matters reserved apart from access, therefore the layout is a matter for future consideration. However, the indicative plan shows that the proposed dwellings could be set out on the site such that the effect of the proposed development on the setting of the listed building would preserve its significance. This would comply with Policy ENV2 and the NPPF.
- 11.6 As already stated, appearance, landscaping, layout and scale are all matters to be reserved should outline planning permission be granted. The indicative drawings submitted and information within the Design and Access Statement show a mix of housing which would be broadly consistent with the Strategic Housing Market Housing report consisting of a mix of 1,2,3,4 and 5 bedroomed properties, including 16 affordable dwellings and 7 bungalows. The principle of this form of development would appear to be appropriate in this location. The landscaping concept would provide for a green approach to the village and development set back into the site with a hedgerow to the highway frontage. Existing hedging to the front, north and east of the site is proposed to be retained. Trees to the south western boundary with

Clifford Smith Drive are also shown to be retained. New planting is proposed to compensate for any young trees needing to be removed for the access.

- 11.7 The indicative plans show that all of the units would have private amenity spaces capable of being in accordance with the requirements set out in the Essex Design Guide.
- 11.8 The indicative plans also show that there would be sufficient space for the required parking provision to be provide for the size of dwellings proposed. In order to comply with the adopted parking standards, ten visitor parking spaces would be required, these are also shown on the indicative site plan.
- 11.9 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. This requirement can be secured by way of a condition if planning permission is granted.
- 11.10 As already mentioned, there has been a lot of representations regarding the Felsted Neighbourhood Plan and that the proposal would be contrary to the aims of the Neighbourhood Plan. However, whilst the Council recognises the effort and time that has been invested in the preparation of the Felsted Neighbourhood Plan, the Neighbourhood plan has not yet been, although now it has been passed by referendum it now has significant weight. However, notwithstanding this, as the council has less than 3 years housing supply the additional protections afforded by paragraph 14 (in respect of Neighbourhood Plans), of the NPPF does not apply. The tilted balance with the presumption in favour of sustainable development therefore applies.
- 11.11 Since the previous application being granted at appeal, the housing shortfall has grown and although this application has a slightly higher density it is still in line with the NPPF and is lower than that allowed at appeal on the nearby site at Maranello. Therefore, the increase in housing numbers must be afforded significant weight.
- 11.12 It is considered that the weight to be given to the requirement to provide a 5 year land supply, and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7. The site is relatively sustainable and has an extant permission on the site for 30 dwellings, is allocated within the emerging Local Plan. Therefore, in balancing planning merits, taking into account the benefits of the proposal it is considered that the principle of the development is acceptable and that the principle of development of the site has already been established under the extant planning consent granted on appeal (UTT/18/0784/OP).

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

- 11.13 Policy GEN1 seeks to ensure development proposals would not adversely affect the local highway network and encourage sustainable transport options. This is generally consistent with the NPPF and has moderate weight.

- 11.14 The proposed development would utilise the access and spine road that already serves the recently approved, residential development located to the south of the site. The development would result in an increase in the number of vehicle movements using the access road and local network. This intensification has the potential to have a detrimental impact on the amenity of the occupiers of the dwellings that are located adjacent to the spine road, close to the access with Braintree Road and also local residents.
- 11.15 The new access would involve the removal of trees, however, additional planting is proposed to be carried out to mitigate against their loss, a matter for reserved matters as this falls within the landscaping proposals.
- 11.16 The existing issues within the area, for example parking related to the school, are not issues for the applicant to mitigate against and any obstructive or dangerous parking would be a law enforcement issue. The site is less than 1 km from the school and therefore within walking distance.
- 11.17 In order to facilitate walking or cycling journeys new footpath links are proposed from the site to enable pedestrians to use the footpath on the western side of the Braintree Road. This would enable safe access to the school and bus stop and also to the wider village facilities.
- 11.18 A new rural footpath link is also proposed from the site to the sites North east corner where it would join up to footpath FP15. This link would allow the new and existing residents to access the footpath without the need to access the footpath at the existing point further along Braintree Road.
- 11.19 It is not considered that the additional 11 dwellings proposed to that already given permission, is unlikely to result in a significant increase in traffic congestion to warrant refusal. Essex County Council Highways have been consulted and have no objections to the proposal subject to conditions.
- 11.20 In view of the above it is considered that the proposal would comply with the aims of Policy GEN1.

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

- 11.21 Policy GEN7 seeks to protect biodiversity, protected species and habitats. The application is accompanied by a completed biodiversity questionnaire, a Great Crested Newt and Reptile Survey, a Preliminary Ecological Appraisal and an addendum to the Great Crested Newt and Reptile Survey and mitigation options report and a report to inform a Habitats Regulations Assessment.
- 11.22 The development would require the translocation of lizards which can be secured by a suitably worded condition, as they would be relocated to land within the applicant's ownership. Additionally some sections of the site were inaccessible during the survey due to the density of the vegetation, and a comprehensive survey for signs of badgers could not be completed. As recommended in this report "The site should be subject to careful, phased clearance under ecological supervision as appropriate... Should evidence of badger setts be identified during clearance, setts should be left undisturbed until it can be established by way of further ecological investigation as to whether the sett is active, whether it has the potential to be disturbed by development, and whether a license would be required to disturb the sett in relation to the proposals."

- 11.23 Specialist Ecology advice has been sought and they advise that the mitigation measures identified in the ecological documents submitted should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species. They support the proposed reasonable biodiversity enhancements included in the Preliminary Ecological Appraisal (T4 Ecology, March 2018), 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 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. Subject to suitable conditions to minimise the impacts of the proposal they confirm that the proposal is acceptable.
- 11.24 The site is also located within the recreational impacts Zone of Influence (ZOI) for the Essex Coast RAMS. The applicant has confirmed that they would make a financial contribution in line with the Essex coast RAMS to ensure that recreational impacts to the coastal Habitats sites are minimised from the residential development. This can be secured by a S106 agreement. Within the Planning Inspectors appeal decision he stated that the contribution would be effective in mitigating the adverse effects of the proposal on the BESPA and Ramsar site.
- 11.25 As such it is not considered that the proposal would have any material detrimental impact in respect of protected species to warrant refusal of the proposal and accords with ULP Policy GEN7.

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

- 11.26 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.
- 11.27 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.
- 11.28 The site area is 2.8 hectares and as such a provision of 40% affordable housing is required. The proposal would include 16 affordable units (including seven bungalows). The indicative plan shows the affordable housing is integrated across the development and therefore is tenure blind.
- 11.29 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.
- 11.30 With regards to impacts on education facilities, the consultation response from Essex County Council Education Department has highlighted the requirement for additional Early Years and Childcare and Primary school places. No contributions are required in respect of secondary education provision. Therefore, financial contributions will be required to off-set the additional impacts arising from the proposed development. These are:
- EY&C - £64,287.18

- Primary - £187,956.30

11.31 The developer has indicated that they are prepared to enter into a Section 106 legal obligation to make a payment of contributions towards education provision. The proposal therefore subject to compliance with the s106 agreement requirements would comply with Policy GEN6.

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

11.32 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.

11.33 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.

11.34 The application has been submitted with a Flood Risk Assessment and this indicates that the site can be developed in such a manner that flooding would not result. A representation has been received in respect of flooding to the pond at 24 Clifford Drive. The NPPF paragraphs 163 and 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. The Lead Local Flood Authority have been consulted and they have no objection to the proposal subject to conditions. These conditions would ensure that appropriate mitigation is provided. The proposals subject to conditions would comply with Policy GEN3 and the NPPF.

F Other material planning considerations – Cumulative impact, Examination of the Local Plan, Referendum in respect of Neighbourhood Plan

Cumulative impact.

11.35 Concerns have been raised in representations about the increased pressure the development would put on the local surgery and the local primary school. The ECC Education Department has considered the proposals and would require a financial contribution towards the provision of additional school places should the development proceed. This could be secured by the way of a S106 legal obligation if planning permission was to be granted.

11.36 The local GP surgery in Felsted is a branch surgery of John Tasker House in Great Dunmow. No significant cumulative effects arise under local health care. A letter has been submitted from a GP at the local doctor's surgery, John Tasker House Surgery, which confirms that the Felsted Surgery has the capacity to accommodate any new patients generated from this developments and other approved schemes. Accordingly, it is considered that there are no significant cumulative health issues. This has some weight in favour of the positive contribution the proposal could make.

11.37 A further material consideration is that the site is an allocated site (Policy FEL2) within the Regulation 19 Local Plan, although this has limited weight at this point in time.

- 11.38 The Parish Councils comments have been noted, however it is considered that (as explained earlier) greater weight should be given to the lack of five year land supply of deliverable sites for residential development.
- 11.39 Reference has been made within the representations received that the proposal is not consistent to the Felsted Neighbouring Plan, however this plan has not been made, although it has now passed the referendum and carries significant weight. However, even when made will not benefit from the extra protections set out in Paragraph 14 of the NPPF due to the lack of a 3 year housing land supply.
- 11.40 The Historic Environment Record indicates that the proposed development lies within a potentially sensitive area of heritage assets. To the south of the development site lies the remains of a medieval settlement recently identified in excavations (EHER 49073). A moated site is also located to the south of the area at Little Grant Courts (EHER9562). West of the proposed development lies an extensive spread of cropmark evidence (aerial photographic interpretation) which shows a sequence of enclosures and field systems, indicative of an extensively farmed landscape. There is therefore the potential for multi-period archaeological remains to be encountered within the proposed development. Specialist advice recommends archaeological trial trenching followed by open area excavation. This can be achieved by appropriate conditions.

Examination of the Local Plan

- 11.41 On 10th January, the Inspectors' letter setting out their views on the stage 1 hearings of the Uttlesford Local Plan was received. In paragraph 114 of the overall conclusions they state:

“In order to arrive at a sound strategy, we consider that as a primary consideration, the Council would need to allocate more small and medium sized sites that could deliver homes in the short to medium term and help to bolster the 5 year housing land supply, until the Garden Communities begin to deliver housing. This would have the benefit of providing flexibility and choice in the market and the earlier provision of more affordable housing. It would also create a buffer, so the target of 14,000 homes is not only just being met by a narrow margin and would allow for a less a steeply stepped housing trajectory”

- 11.42 This application would help in the short term to achieve the above recommendation.

Referendum in respect of Neighbourhood Plan

- 11.43 On 30th January 2020 the referendum for the Felsted Neighbourhood Plan was held to decide whether the Neighbourhood Plan for Felsted should be used to help decide planning applications in the neighbourhood area. The result of the votes cast was 687 yes and 65 no.
- 11.44 As a result the Neighbourhood plan now has significant weight. However, in view of the local Planning Authorities lack of three year supply of deliverable housing sites, paragraph 14 c) of the NPPF applies and paragraph 11 d) then applies to applications involving the provision of housing. It is not considered that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.

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 and would comply with the aims of GEN1
- C** There would not be any adverse impacts on biodiversity, subject to implementation of identified mitigation. The application provides sufficient information and evidence to demonstrate that the proposals (subject to conditions) would not adversely affect protected species, namely reptiles and great crested newts. As such the proposals comply with Policy GEN7 and section 15 of the NPPF. The financial contribution in respect of RAMS can be secured by a section 106 agreement.
- D** The proposed affordable housing provision is acceptable and educational financial contributions are acceptable and complies with policy H9 and GEN6. The contribution in respect of education £ 252,243.48 (index linked) can be secured by a s106 legal obligation.
- E** There would be no increase in flood risk and the proposed drainage subject to conditions is acceptable.
- F** There would be no material detrimental cumulative impact caused to warrant refusal of the proposal. As recommended by the inspector of the emerging Local Plan, this site would help in the short term to bolster the 5 year housing land supply, until the Garden Communities begin to deliver housing. It is not considered that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.

RECOMMENDATION – APPROVAL WITH CONDITIONS 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 contributions towards education provision**
- (iii) Provision/ completion and long term on-going maintenance (whether Felsted Parish Council or private management company) of open space (including LAP and outside adult exercise equipment) long-term maintenance arrangements for the sustainable drainage system and public open space and outside exercise equipment.**
- (i) Payment of contribution towards RAMS**
- (ii) payment of the Council's reasonable legal costs**
- (iii) 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 of March 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- provision of open space**
- (iv) lack of suitable long-term maintenance arrangements for the open space**
- (v) lack of suitable long-term maintenance arrangements for the proposed sustainable drainage system (SuDS)**
- (vi) Non- payment towards RAMS**

Conditions

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

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

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

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

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

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

4. 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 and approved by the planning authority prior to reserved matters applications being submitted.

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

REASON: In view of the historic importance of the site, in accordance with Uttlesford Local Plan Policy ENV4 (adopted 2005).

5. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as

detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with Uttlesford Local Plan Policy ENV4 (adopted 2005).

6. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: In view of the historic importance of the site, in accordance with Uttlesford Local Plan Policy ENV4 (adopted 2005).

7. 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 Uttlesford Local Plan Policy GEN3 (adopted 2005).

Justification: 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 Uttlesford Local Plan adopted 2005

8. 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.

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site. In accordance with policies GEN2 and GEN3 of Uttlesford Local Plan adopted 2005

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

Authority.

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

10. 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 (adopted 2005).

11. 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 and in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).

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

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

13. Prior to occupation of any of the proposed dwellings, a pedestrian link to connect the proposed development to public footpath no. 15 (Felsted) as indicated on DWG no. SP007-PL-05 Rev 00 (dated Aug 2019), shall be provided. Details of the pedestrian link, including a suitable surface, shall be submitted to the Local Planning Authority, in consultation with the Highway Authority, and approved prior to occupation of any dwelling. Subsequently the works shall be carried out as approved.

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

14. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:
 - i. safe access into the site;

- ii. 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 (adopted 2005).

15. 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 (adopted 2005).

16. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (T4 Ecology, March 2018) and the Preliminary Great Crested Newt and Reptile Mitigation Options (SES, October 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 s17 Crime & Disorder Act 1998, and Uttlesford Local Plan Policy GEN7 (adopted 2005).

17. No development shall commence in respect of the development hereby permitted in any circumstances unless the local planning authority has been provided with either:
- a) a licence issued by Natural England authorizing the specified activity/development to go ahead; either a mitigation licence pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 or authorisation to work under the Essex District Level Licensing scheme; or
 - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998 and Uttlesford Local Plan Policy GEN7 (adopted 2005).

18. 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.
- a) Purpose and conservation objectives for the proposed works.
 - b) Review of site potential and constraints.

- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Persons responsible for implementing the works.
- g) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- h) Details for monitoring and remedial measures.
- i) 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) and Uttlesford Local Plan Policy GEN7 (adopted 2005).

19. Prior to commencement 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) and Uttlesford Local Plan Policy GEN7 (adopted 2005).

20. Concurrent with reserved matters 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).

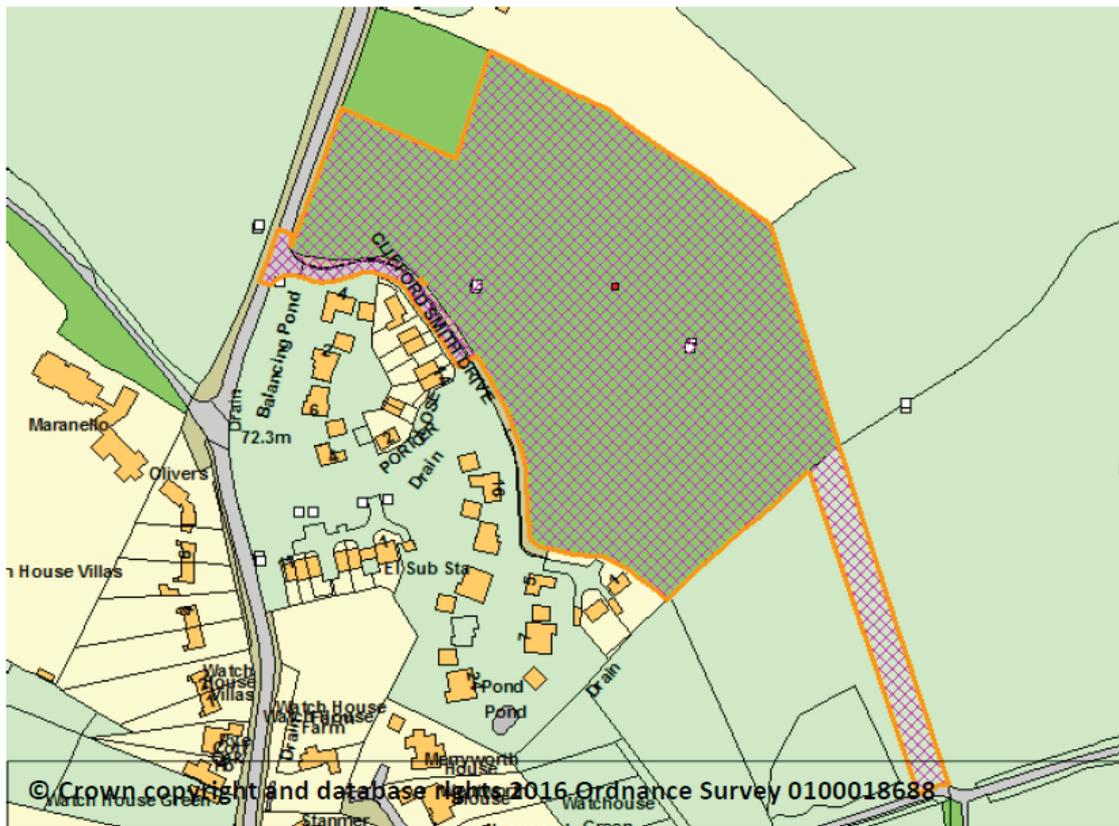
The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

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) and Uttlesford Local Plan Policy GEN7 (adopted 2005).

21. Prior to the first occupation of the development hereby permitted, 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 wildlife, such as 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 species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and paragraph 118 of the NPPF and in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005).



Agenda Item 8

UTT/19/2993/OP (HENHAM)

(Referred to Committee as the applicant is a Councillor)

PROPOSAL: Outline application for the demolition of existing dwelling and outbuildings and erection of 4 no. new dwellings with all matters reserved except access

LOCATION: Cott Moor, Old Mead Road, Henham

APPLICANT: Mr Le Count

AGENT: Mr M Hibbs

EXPIRY DATE: 30th January, 2020 (Extension of time until 21st February)

CASE OFFICER: Jonathan Doe

1. NOTATION

1.1 Outside Development Limits

2. DESCRIPTION OF SITE

2.1 The site consists of the curtilage of a detached bungalow and paddocks to the rear. The site is on the southern side of Old Mead Road.

2.2 The property has two vehicular accesses onto the highway forming an “in and out” driveway arrangement and an access, to the western side of the frontage to the site, to the paddocks associated with the property.

2.3 A railway is to the rear, to the south.

2.4 To the west is another residential property, Chestnut Rise. To the east is a paddock in another ownership.

2.5 The site is within a cluster of houses in countryside to the northwest of Henham. The railway station at Elsenham is less than a mile and a half away as the crow flies to the south.

3. PROPOSAL

3.1 Outline application for the demolition of existing dwelling and outbuildings and erection of 4 no. new dwellings with all matters reserved except access.

3.2 An indicative block plan shows detached dwellings with attached double garages set out in line from west to east generally following a front building line or distance of set back from the road conforming with that of the built form of Chestnut Rise. The indicative block plan shows two of the dwellings sharing the western vehicular access and the other two dwellings sharing the eastern vehicular access.

3.3 A personal statement forming part of the Design & Access Statement refers to the dwellings being one-and-a-half storeys.

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 Design & Access Statement; a map illustrating local bus route nos. 7 and 7a; and, a Preliminary Ecological Appraisal.
- 5.2 The Design & Access Statement makes the following points:
- Site is behind a belt of mature trees; all boundaries are screened by mature trees
 - Existing property is expensive to upkeep due to heating system running on oil and the dwelling being thermally poor
 - Existing property has a septic tank with an outfall which leads into the River Cam
 - No new vehicular access proposed
 - Layout of proposed dwellings would form an approximate "building line" with dwelling to west, Chestnut Rise
 - Proposal meets requirement for sensitive infilling in small settlements
 - Site is close to a regular bus service and railway station at Elsenham within easy cycling distance
 - Shops at Henham and Elsenham are 2km and 3.2 km away respectively
 - Would contribute to five-year housing land supply
 - Redevelopment of existing residential land
 - Proposal was discussed with Henham Parish Council
 - Proposal was discussed with close neighbours
- 5.3 A personal statement forms part of the Design & Access Statement. The personal statement explains that one of the proposed dwellings is intended for occupation by the applicants, allowing them to downsize from the existing dwelling which requires extensive maintenance. The applicants have lived in Henham for over 35 years and wish to remain. It is intended that the proposed dwellings would be constructed to have low maintenance/low energy requirement, meeting Lifetime Homes standards and would be suitable for a possible decline in health by options for wheel chair access.

6. RELEVANT SITE HISTORY

- 6.1 UTT/2205/11/FUL - Creation of a new vehicular access to side of property – Approved with conditions 19.01.2012

7. POLICIES

Uttlesford Local Plan (2005)

S7 – The Countryside
GEN1 – Access
GEN2 – Design
GEN3 – Flood Protection
GEN4 – Good Neighbourliness

GEN7 – Nature Conservation
GEN8 – Vehicle Parking Standards
ENV10 – Noise Sensitive Development and Disturbance from Aircraft
ENV14 – Contaminated Land
H10 – Housing Mix

Supplementary Planning Documents/Guidance

Accessible Homes and Play Space

National Policies

National Planning Policy Guidance (NPPF) (February 2019)

Other Material Considerations

UDC Parking Standards
ECC Parking Standards
Essex Design Guide (2018 version)
Strategic Housing Market Housing Assessment (September 2015)

8. PARISH COUNCIL COMMENTS

8.1 No response at time of drafting report.

9. CONSULTATIONS

Environmental Health

9.1 No objection subject to the imposition of conditions to address potential noise and land contamination impacts.

This is an outline application for the development of an existing residential site, proposing the demolition of the existing dwelling and outbuildings on site and erection of 4 new dwellings. The site lies to the east of an existing railway line, with the M11 some 340m to the west of the site.

No contaminated land assessment has been submitted in relation to this site. Although the site has been used for residential purposes, the adjacent railway line is a potential historic source of contamination. The indicative layout suggests that the gardens of the proposed dwellings will run up to and adjoin the made ground for the railway line. There are also areas of made ground of unknown constituents and a swimming pool on site, all of which may need to be removed as part of the development process.

In view of the contamination-sensitive proposed end residential use with gardens over the whole site, it is essential to ensure that any contamination risks (both on-site and off-site) are identified and assessed, and where necessary remediated, to render the site suitable for its intended use. At the very least, a Phase I Desk Study to identify any potential contamination risks, and the need or otherwise for further site investigations, needs to be undertaken. I would therefore recommend that a condition is attached to any consent granted.

The site lies to the east of an existing railway line which will be an intermittent noise source, as will noise from the more distant M11 which will provide a more

pervasive contribution to the ambient noise environment. Old Mead road itself will also be a source of transport noise, from road traffic. Transport noise tends to be a more anonymous noise source than say commercial noise sources. As such, they are not usually seen as a barrier to development as long as adequate mitigation measures are incorporated into the design, layout and construction of the development.

Whilst it is always preferable to consider and assess potential noise impacts and proposed mitigation measures in advance of the granting of planning consent, this is not always achieved. It is also noted that the proposed dwellings will be no closer to the railway line & M11 than the existing and neighbouring dwellings at this location. As such, I do not think an objection on noise grounds at this location is likely to be sustainable and I would therefore recommend that a condition is attached to any consent granted.

Ecology

9.2 No objection subject to securing biodiversity mitigation and enhancement measures.

We have reviewed the Preliminary Ecological Appraisal (ECCOS, October 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.

We note that the development site is situated within the Impact Risk Zone for Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR) as shown on MAGIC map (www.magic.gov.uk). Therefore, Natural England's revised interim advice to Uttlesford DC (ref: HatFor Strategic Interim LPA, 5 April 2019) should be followed to ensure that impacts are minimised to this site from new residential development. As this application is less than 50 or more units, Natural England do not, at this time, consider that is necessary for the LPA to secure a developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest.

The mitigation measures identified in the Preliminary Ecological Appraisal (ECCOS, October 2019) should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species.

However, limited biodiversity enhancement measures are identified in the Preliminary Ecological Appraisal (ECCOS, October 2019). 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, native species planting 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 conditions.

Network Rail

- 9.3 Please see below informative Network Rail would like to attach to any planning permission.

The developer must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

The developer should comply with the following comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Permitted: Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata “Zebrina”
 Not Permitted: Alder (Alnus Glutinosa), Aspen – Poplar (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

10. REPRESENTATIONS

- 10.1 A site notice was posted. 8 letters were sent to occupiers of neighbouring properties. No written response has been received.

11. APPRAISAL

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

- A The effect of the proposal on the character and appearance of the area and the quality of the design in relation to the indicated positioning and layout (Policy S7)
- B Whether the site is an appropriate location for new housing development, having regard to the principles for sustainable development (Policy S7; NPPF)
- C Impact to neighbours (Policies GEN2 and GEN4)
- D Whether the dwelling would provide sufficient amenity to future occupiers (Policies GEN2 and ENV10)
- E Car parking and highway access (Policies GEN1 and GEN8)
- F Flood protection (Policy GEN3)
- G Biodiversity (Policy GEN7)
- H Contaminated land (Policy ENV14)
- I Housing mix (Policy H10)

A The effect of the proposal on the character and appearance of the area and the quality of the design in relation to the indicated positioning and layout (Policy S7)

- 11.1 The application site is located outside the development limits for Henham and falls within open countryside where Policy S7 operates a policy of restraint. Policy S7 states that 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.
- 11.2 A review of the policies in the adopted Local Plan has been carried out to check their compatibility with the NPPF. Policy S7 is partially consistent with the NPPF in that, whilst the protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development, the NPPF takes a positive approach, rather than a protective one, to appropriate development in rural areas.
- 11.3 The NPPF states, at paragraph 117, that planning decisions should promote an effective use of land in meeting the need for homes, while safeguarding and improving the environment and ensuring safe and healthy living conditions. The same paragraph refers to making as much use as possible of previously-

developed or 'brownfield' land. Paragraph 122 of the NPPF states that planning decisions should support development that makes efficient use of land, whilst taking into account other planning matters.

- 11.4 The NPPF describes the importance of maintaining a five-year supply of deliverable housing sites. The latest update of Uttlesford District Council's five-year housing land supply indicates a figure of 2.68 years. Therefore, contributions towards housing land supply must be regarded as a positive effect.
- 11.5 This is a 'brownfield' site; consisting of an existing dwelling and a horse paddock, a non-agricultural use.
- 11.6 The proposal for four dwellings, a net increase of three dwellings, would contribute to housing land supply.
- 11.7 The site is visually contained. There is existing residential development and vegetation on the boundaries of these properties which screen views of the site from the road to the west. To the east is a paddock with mature hedging then another residential property, Meadside. Vegetation on boundaries screens the site from views from the east. Old Mead Road turns a corner just past Meadside to run north/south. Along this part of Old Mead Road the site is not visible in views from the road to the northwest due to a combination of distance and vegetation on boundaries and along the road side. Where Old Mead Road changes direction there is a junction with Dark Lane. Dark Lane leads to the northeast. The site is not visible from Dark Lane due to a combination of distance and vegetation. The embankment of a railway to the rear of the site screens the site in views from the southwest. The nearest non-vehicular public rights of way are some 360m to the south and some 500m to the north.
- 11.8 Given the setting in the landscape of the site, as described above, it is considered that the proposed development would protect the particular character of the part of the countryside within which it would be set. In terms of the pattern of neighbouring development, the site is at one end of a cluster of development running from a commercial site to the west, a wood yard, and then four other residential properties then the site itself. There are two other residential properties nearby to the east, Meadside and The White House. Given its setting the proposal is considered acceptable in principle with regard to Policy S7 and with regard to guidance in the NPPF to conserve the natural environment.
- 11.9 An indicative plan forming part of the application shows that a generous set back from the road would be maintained by the proposed dwellings; the dwellings themselves being set back by the same distance as that to the existing dwelling, some 30m. Attached double garages would be set in front of part of the main forms of the dwellings though a detached garage to the property to the west, Chestnut Rise, would be set further forward. The positioning and layout of the proposed dwellings as indicated reinforces that the development would not be noticeable in its rural setting.

B Whether the site is an appropriate location for new housing development, having regard to the principles for sustainable development (Policy S7)

- 11.10 Outline planning permission (UTT/15/1868/OP) was granted on 11th August 2015 for a dwelling and garage at the plot immediately to the west of the application site, now known as Chestnut Rise. As the site is accessed via rural lanes with no footpaths or street lighting it is unlikely that occupiers would walk to services.

Henham is 2km away, the centre of Elsenham is 3.2km away and the nearest frequently used bus stop is 900m to 1.5km away. However, occupiers may choose to cycle these distances. There is also the opportunity to access train services from Elsenham Station, 2.4km away, without using a car. Overall, it is considered that alternatives to the car would be encouraged by this development as it may lead to occupiers using a bicycle to reach Henham and Elsenham and occupiers are likely to use the railway station at Elsenham.

C Whether the dwelling would provide sufficient amenity to future occupiers (Policies GEN2 and ENV10)

- 11.11 The proposed dwellings would have ample sized private rear gardens facing southwest. The proposed dwellings would be laid out in line and with principle windows set to front and rear elevations the four dwellings would provide an environment which would meet the reasonable needs of all potential users.
- 11.12 At the ends of the rear gardens is a railway line. Environmental Health has been consulted and a written response received expressing specialist advice that a condition should be imposed on any planning permission. It is considered that an objection on noise grounds at this location is unlikely to be sustainable.
- 11.13 The proposal is considered acceptable with regard to Policy GEN2 in relation to amenity of future occupiers and, subject to an appropriate condition, the proposal is considered acceptable with regard to Policy ENV10.

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

- 11.14 At least three car parking spaces could be accommodated within the plot of each proposed dwelling. The proposal is considered acceptable with regard to Policy GEN8.
- 11.15 The site has two accesses to the highway and these would be used for the proposal; each existing access serving two dwellings. The local highway authority has been consulted on the application with a request for a response by 27th December. No response has been received to date.
- 11.16 In the absence of any objection from the local highway authority, the proposal is considered acceptable with regard to Policy GEN1.

E Flood protection (Policy GEN3)

- 11.17 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. However, as the proposal is not a 'major development', national policy does not require the use of a sustainable drainage system.
- 11.18 Although a water course forming an upper reach of the River Cam is nearby on the far side of the road, the site is within flood zone 1 and accordingly considered acceptable with regard to flood protection.
- 11.19 As such the proposal is considered acceptable with regard to Policy GEN3.

F Biodiversity (Policy GEN7)

- 11.20 Local Plan Policy GEN7 requires applicants to show that the development would not have a harmful effect on wildlife unless the need for the development outweighs the importance of the feature to nature conservation. Applicants also have a legal duty towards legally protected species or habitats.
- 11.21 Essex County Council's Place Services is the ecology consultant for the local planning authority. A written consultation response has been received from this body to the effect that there is no objection subject to securing biodiversity mitigation and enhancement measures. Conditions have been recommended by the specialist advisor and it is considered both necessary and reasonable to impose the conditions recommended by Place Services' ecological advice.
- 11.22 Subject to appropriate conditions, the proposal is considered acceptable with regard to Policy GEN7.

G Contaminated land (Policy ENV14)

- 11.23 Paragraphs 178-180 of the NPPF require that planning decisions should ensure that a site is suitable for its proposed use based on any potential risks from contamination (amongst other factors), and this factor is particularly true for residential development. Where land is suspected to be contaminated then the applicant is obliged to carry out an assessment to determine the risk and proportionate measures to mitigate against such risk.
- 11.24 The made ground of the railway line, the embankment of the railway, is a potential historic source of contamination. Environmental Health has stated in its written consultation response that it is essential to ensure that any contamination risk is identified and assessed. It is recommended that a condition is imposed on any planning permission.
- 11.25 Subject to an appropriate condition, the proposal is considered acceptable with regard to Policy ENV14.

H Housing mix (Policy H10)

- 11.26 Design is a reserved matter. However, the response to question 15 of the planning application form indicates that the dwellings would have four or more bedrooms.
- 11.27 Policy H10 states that all developments of three or more dwellings will be required to include a significant proportion of market housing comprising small properties. Explanatory text to this policy indicates that 2 and 3 bedroomed homes comprise small properties.
- 11.28 However, as stated at paragraph 4.10 of the emerging Local Plan, the 2015 Strategic Housing Market Assessment (SHMA) concluded that the majority of the need for market housing is for 3 and 4+ bedroom houses.

12. CONCLUSION

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

- A** This is a 'brownfield' site amongst a cluster of existing development and would be very well screened in the landscape.

- B** The site is in a relatively sustainable location.
- C** The dwellings would provide a good standard of amenity to future occupiers.
- D** The site is of an adequate size to provide parking as required. Existing vehicular accesses would be used and the local highway authority has not objected to the proposals.
- E** The proposal is considered acceptable with regard to flood protection.
- F** Subject to condition the proposal is considered acceptable with regard to nature conservation.
- G** Subject to condition the proposal is considered acceptable with regard to any ground contamination.
- H** The indicated type of accommodation is considered acceptable with regard to housing mix.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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

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

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

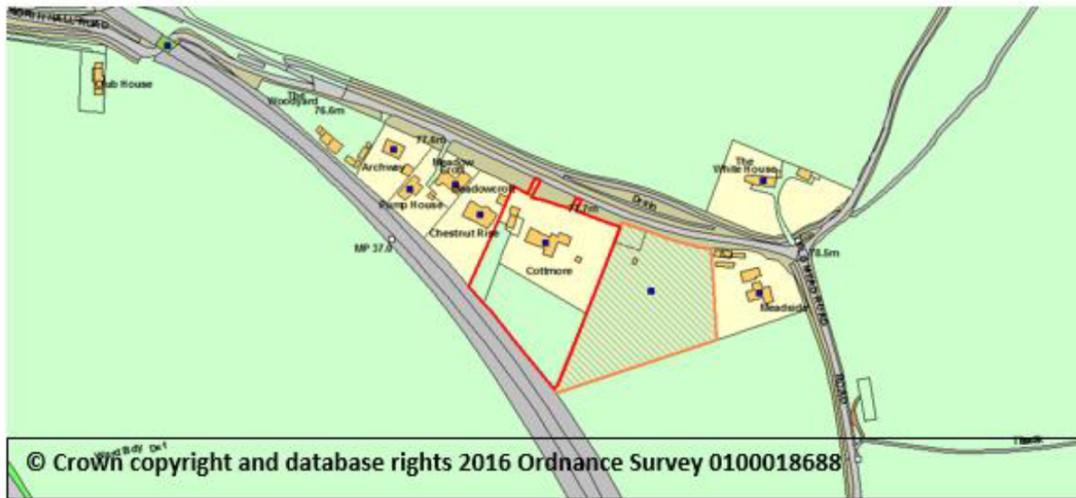
REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

4. Prior to first occupation of any dwelling hereby permitted, an electric car charging facility shall be installed at the property and retained as such unless the written consent of the local planning authority is given to any alteration.

REASON: In the interest of sustainable development and in accordance with Policy GEN2 of the adopted Local Plan; Policies TA 2 and TA 3 of the emerging Local Plan; and, the provisions of the National Planning Policy Framework.



Organisation: Uttlesford District Council
Department: Planning
Date: 29 JANUARY 2020

UTT/19/0573/OP (LITTLE CHESTERFORD)

(Major)

This application has been deferred from the 18th December 2019 Planning Committee to await the Planning Inspectorates letter regarding the Draft Local Plan

PROPOSAL: Outline planning application with all matters reserved expect for access for the development of up to 76 dwellings, including provision of vehicular and pedestrian access, public open space and hard and soft landscaping

LOCATION: Land to the south west of London Road Little Chesterford

APPLICANT: Axis Land Partnerships

AGENT: LDA Design

EXPIRY DATE: 11 June 2016

CASE OFFICER: Maria Shoemith

1. NOTATION

1.1 Outside but adjacent to development limits, Backing onto Railway, TPO tree belt on northern boundary, adjacent to areas of archaeological significance, oil pipelines to the northern boundary, Nearest Listed Building Stanley House Station Approach, London Road

2. DESCRIPTION OF SITE

2.1 Great Chesterford is a large village located within the local authority area of Uttlesford District Council (UDC). Great Chesterford is located approximately 17km to the south of Cambridge, and approximately 5km north of Saffron Walden.

2.2 Great Chesterford has a good range of services and facilities. There are two doctors' surgeries, a primary school, local shop, community centre and playing fields, and pubs in the village.

2.3 The village benefits from having a mainline train station, served by the West Anglia line, with a regular train service. Trains from Great Chesterford station serve Cambridge to the north and London Liverpool Street to the south and it has good access to the M11.

2.4 The character of the area surrounding the application site changes from one which is of a rural village nature, to open countryside. The site lies outside but adjacent to the development limits of Great Chesterford.

2.5 There would be a distance of 472m from the southern edge of the application site to Little Chesterford.

2.6 The application site is on a gradually upward slope with a strong defined boundary to the northwest with the early development of Ash Green and Grants Close to the north

opposite. The site gently falls from 45m AOD in the south-east corner to 40m AOD in the north-west towards the valley floor of the River Cam. The land opposite the site to the north is open countryside with ground levels dropping steeply towards the River Cam/Granta and but then raises upwards in the distance.

2.7 As the site levels raises to the south west the landscape is dominated by the railway infrastructure and the M11 in the distance. The railway lines themselves are sunk at a lower ground level and are not visible.

2.8 The land to the southeast of the site gently raised upwards again. The views are interrupted by Highfield House which has recently extended. There is Bordeaux and Little Bordeaux Farm complex both sides of the road in the distance on the approach into Little Chesterford.

3. PROPOSAL

3.1 Outline planning application with all matters reserved except access for residential development on 3.2ha of land to the south west of London Road, Great Chesterford. The Proposed Development is for up to 76 dwellings, including provision of vehicular and pedestrian access, public open space and hard and soft landscaping.

3.2 The access is the only detailed part of the application. An illustrative masterplan has been provided as part of the application to provide an example of how the site could be laid out.

3.3 The Proposed Development comprises the following key elements:

Provision of up to 76 dwellings, including provision of 40% of dwellings as affordable housing.

Provision of a range of house size and types, with over 50% of the total number of dwellings provided as two and three bedroom houses.

Provision of public open space.

Landscaping on the southern edge of development which allows the scheme to transition from the village settlement to the countryside, help filter views from the south and maintain the green edge character to Great Chesterford.

Proposed scale, layout and massing that responds to the local landscape character and the existing built character.

Vehicular and pedestrian access into the development from London Road.

Provision of a 3m shared footway and cycle path along London Road, which could be incorporated into the proposed Great Chesterford Cycle Route Scheme in the future.

A scheme that accommodates parking provision in line with the Council's parking standards.

Implementation of sustainable urban drainage systems (SuDs).

3.4 The average density across the site would be 23.8 dwellings per hectare.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 Town and Country Planning (Environmental Assessment): The proposal is not a Schedule 1 development, exceeds the threshold criteria of Schedule 2, however the application has been screened and an Environmental Assessment is not required.
- 4.2 A Screening Opinion to that effect was provided under reference UTT/18/3297/SCO. Nothing has significantly altered since the issuing of the opinion.
- 4.3 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 following documents have been submitted in support of the application;

The application comprises the following documents and plans:

Technical Reports:

- Planning Statement
- Design and Access Statement (DAS)
- Statement of Community Involvement (SCI)
- Transport Assessment (TA)
- Landscape and Visual Impact Assessment (LVIA)
- Preliminary Ecological Appraisal
- Biodiversity Checklist
- Heritage Desk Based Assessment
- Noise and Vibration Assessment
- Flood Risk Assessment (FRA) including an Outline Conceptual Drainage Plan
- SUDs Checklist
- Phase 1 Environmental Site Assessment (ESA)
- Minerals Resource Assessment
- Arboricultural Report

Drawings:

- Location Plan (drawing number: 6533_PL_100)
- Site Plan (drawing number: 6533_PL_101)

5.2 Statement of Community Involvement

- 5.2.1 Axis Land Partnerships, has taken to engaging with the local community and relevant stakeholders in relation to the emerging proposals for an outline planning application for residential development.
- 5.2.2 As part of the Sir Robert McAlpine Group of companies, Axis has decades of experience in delivering planning consents. As a family business, Axis cares about leaving a positive legacy and aims to create sustainable places we can be proud of, ones that future generations will want to live in. Axis is committed to working with the local community to ensure this development is informed by local opinions and aspirations.
- 5.2.3 Prior to holding formal public consultation, desk-based research was undertaken in order to identify key local stakeholders relevant to the project. The location of the

Site, being within Little Chesterford parish boundary, but adjacent to the Great Chesterford parish boundary was taken into account. Key stakeholders identified included:

- Ward Councillors for Littlebury, Chesterford & Wenden Lofts
- Great Chesterford Parish Council
- Little Chesterford Parish Council
- Chesterfords Neighbourhood Plan Group.

- 5.2.4 Axis wrote to representatives of both Little Chesterford Parish Council and Great Chesterford Parish Council on 8th October 2018, in order to introduce themselves and the Site. The initial correspondence outlined Axis' intention to engage with the community at the earliest stage possible in order for this to inform proposals and to get a better understanding of potential opportunities for community benefit. Axis extended an offer to meet with the Parish Council and discuss initial proposals for the Site.
- 5.2.5 Axis subsequently met with members of Great Chesterford Parish Council on 30th November 2018. Representatives of Little Chesterford Parish Council chose not to meet prior to the public exhibition. At the meeting the Parish Council raised a range of matters, encompassing the following:
- Site location is outside the settlement boundary;
 - Concern about the potential for further growth and infill between Great Chesterford and Little Chesterford;
 - Poor access between the Site and the village centre;
 - The distance to the recreation facilities on the other side of the village;
 - Unsafe pavements around the proposed development;
 - Cars speeding up as they exit the village and cars entering the village too fast;
 - Pressure on primary school capacity;
 - Potential benefits to be considered as part of the proposal could include a play/recreational area within the Site; and new pedestrian bridge crossing to improve access into the village.
- 5.2.6 Axis advised the Parish Council at this meeting of their intention to hold public consultation events in the new year in order to engage with the local community. The Parish Council suggested the use of a leaflet drop as a means to publicise the events.
- 5.2.7 The aim of consultation activity was to raise awareness of proposals amongst the local community, with the aim to reach both local residents and people employed in the local area.
- 5.2.8 Consultation events were publicised in a number of ways, as follows:
- Leaflet drop to residents of Great Chesterford and Little Chesterford (Appendix A)
 - Posters displayed in local area (A3 version of the leaflets in Appendix A)
 - Article in the Walden Local newspaper (Appendix B)
 - Email correspondence with both Little Chesterford and Great Chesterford Parish Council.
- 5.2.9 Leaflet were posted to households in Great Chesterford and Little Chesterford on 9th January, 10 days in advance of the first exhibition
- 5.2.10 A poster was displayed in Crown and Thistle pub. Further posters were sent to representatives of the Parish Councils with the request that they be placed on public noticeboards where they could be clearly seen by members of the public.

- 5.2.11 Axis wrote to representatives of both Great Chesterford and Little Chesterford Parish Councils on 8th January 2019 to inform them of the arrangements for consultation events and to send a copy of the publicity leaflet. The Parish Councils were encouraged to disseminate the information via their own methods. The Parish Councils were invited to preview the exhibition to enable them to view information and ask questions prior to the event opening to the general public.
- 5.2.12 An article was published in the Walden Local on Wednesday 16th January 2019 which gave details of the time and location of the consultation events. While the publication of this article was not as a direct result of action from the Applicant, it nevertheless served to publicise the event. The Walden Local has a circulation of over 13,000 and is delivered to homes and businesses in Saffron Walden and 23 local villages including Great Chesterford and Little Chesterford.
- 5.2.13 Two separate public consultation events were held, with one in Great Chesterford and the other in Little Chesterford. This approach was taken in recognition of the Site's location on the boundary of the two parishes. Axis sought to ensure there was an opportunity for the communities of both Great and Little Chesterford to visit a consultation event in their village.
- 5.2.14 The time, date and locations of these consultation events were as follows:
- Saturday 19th January 2019 (11am - 4pm): Chesterford Community Centre, Great Chesterford.
 - Wednesday 23rd January 2019 (3pm - 8pm): Little Chesterford Village Hall, Little Chesterford.
- 5.2.15 The locations of the exhibitions were carefully chosen to be close to the site and the community, accessible and at times that all sections of the community can attend.
- 5.2.16 Axis wanted to capture the views of people employed in the local area, but who may not currently live locally. A manned pop-up stand was erected in the foyer of Chesterford Research Park, for two hours over lunchtime on two separate days:
- Monday 21st January 2019
 - Wednesday 23rd January 2019
- 5.2.17 Feedback forms were provided at the events and attendees were encouraged to fill them in.
- 5.2.18 In addition, a dedicated consultation webpage was set up on the Axis Land Partnerships website, which went live from 19th January (www.axislp.com/consultations). The webpage contained the same information that was on the consultation boards, and offered the opportunity for people to leave their feedback through a digitised version of the feedback form. The website address was publicised on the consultation leaflets, the consultation boards and the feedback form.
- 5.2.19 It was estimated that over 100 people attended the public consultation events in total. From a tally of footfall it is estimated that 34 people attended the public exhibition in Great Chesterford, 31 people attended the exhibition in Little Chesterford and 40 people engaged with the pop-up stand at Chesterford Research Park. A total of 55 feedback forms were returned at the events. No feedback forms were received via email or through the website. This represents a 50% response rate.

- 5.2.20 A summary of the comments received has been enclosed within the SCI. The SCI demonstrates the measures that have been taken to address the key concerns and queries of the community, or else provide clarity on the approach. The majority of issues raised have been addressed through scheme design, or will be addressed through the provision of developer contributions.

6. RELEVANT SITE HISTORY

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

There is not relevant planning history relating to the site.

- 6.2 In terms of other relevant history there has been a number of infilling over the years of small developments within Great Chesterford. However the most relevant development of significance has been listed below;

- (i) UTT/14/0174/FUL - New World Timber Frame And Graveldene Nurseries, London Road - Demolition of commercial buildings and erection of 42 No. dwellings – Approved 8.12.2014

UTT/18/0313/FUL - Variation of condition 2 on planning permission UTT/14/0174/FUL (Demolition of commercial buildings and erection of 42 no. dwellings) in order to incorporate general minor amendments to site plan – Approved 16.04.2018

- (ii) UTT/14/0425/OP - Land North Of Bartholomew Close, Bartholomew Close - Outline Planning with all matters reserved for residential development of up to 14 dwellings – Approved 16.10.2014

UTT/17/2745/DFO - The reserved matters application for the construction of 11 new dwellings covering access, layout, scale, landscaping and appearance following outline approval UTT/14/0425/OP – Approved 21.12.2017

UTT/19/2288/FUL - Proposed residential development of up to 13 dwellings including associated external works and parking. Under consideration – Alternative scheme to above

- (iii) UTT/15/2310/OP - Land At Thorpe Lea, Walden Road - Outline application, with all matters reserved except for access, demolition of existing dwellings and residential development of up to 31 dwellings – Approved 13.06.2019

UTT/17/0712/DFO - Details following outline application UTT/15/2310/OP for 31 dwellings. Details of the layout, scale, landscaping and appearance. – Approved 7.07.2017

7. POLICIES

7.1 National Policies

- National Planning Policy Framework

7.2 Uttlesford Local Plan (2005)

- S3 Other Development Limits
- S7 Countryside
- GEN1 Access
- GEN2 Design
- GEN3 Flood Risk
- GEN4 Good Neighbourliness
- GEN5 Light Pollution
- GEN6 Infrastructure Provision to Support Development
- GEN7 Nature Conservation
- GEN8 Vehicle Parking Standards
- ENV4 Ancient Monuments and Sites of Archaeological Importance
- ENV5 Protection of Agricultural Land
- ENV12 Protection of Water Resources
- ENV14 Contaminated Land
- ENV15 Renewable Energy
- H9 Affordable Housing
- H10 Housing Mix

7.3 Emerging Draft Local Plan – Regulation 19 (Pre-Submission Stage)

- Policy SP 1 - Presumption in Favour of Sustainable Development
- Policy SP 2 - The Spatial Strategy 2011-2033
- Policy H 1 - Housing Density
- Policy H 2 - Housing Mix
- Policy H 6 - Affordable Housing
- Policy H 10 - Accessible and Adaptable Homes
- Policy D 1 - High Quality Design
- Policy D 8 - Sustainable Design and Construction
- Policy D 9 - Minimising Carbon Dioxide Emissions
- Policy INF 1 - Infrastructure Delivery
- Policy TA 1 - Accessible Development
- Policy TA2 - Sustainable Transport
- Policy TA 3 - Vehicle Parking Standards
- Policy TA 4 - New Transport Infrastructure or Measures
- Policy EN5 - Scheduled Monuments and Sites of Archaeological Importance
- Policy EN 7 - Protecting and Enhancing the Natural Environment
- Policy EN 10 - Minimising Flood Risk
- Policy EN 11 - Surface Water Flooding
- Policy EN 12 - Protection of Water Resources
- Policy EN 14 – Pollutants
- Policy EN 16 - Contaminated Land
- Policy EN 18 - Light Pollution
- Policy C 1 - Protection of Landscape Character

8. Parish Council

8.1 ICKLETON PARISH COUNCIL

Object:

On behalf of Ickleton Parish Council, as authorised at its meeting on Wednesday 17th April 2019, I am writing to OBJECT STRONGLY to the above Application. Ickleton Parish Council requests that this Application is REFUSED.

We have been able to see the responses of Little Chesterford and Great Chesterford Parish Councils, and lend their comments our full support. We trust we do not need to repeat them.

The proposed development is not sustainable. It aggressively breaches the village boundaries of both Great Chesterford and Little Chesterford, and threatens coalescence between the two, as well as being a potential precedent for development on the other side of London Road.

Great Chesterford has seen housing growth of around 27% in recent years without any infrastructure improvements. This proposal would be a very significant expansion, again with no infrastructure improvements and derisory mitigation elements.

The proposed development has all the hallmarks of a car-based commuter estate. Even the entrance/exit is located as far away from Great Chesterford village as it could be. The proximity of the train station is not likely to lead to a marked shift from car-based travel. For commuters to London, the stopping service on offer is likely to mean that they will choose to drive to Whittlesford Parkway or Audley End, adding to congestion on local roads.

To access employment sites and shopping (the shop in Great Chesterford is very limited in what it supplies) from the development, in the absence of reliable and frequent alternatives, car travel will be the first choice of residents. Rat running through Ickleton, Little Chesterford and Littlebury will clearly increase should this proposal be approved.

The proposal also entails the permanent loss of Best and Most Versatile agricultural land, and the impact development of the elevated site would have on open landscape is unacceptable

Additional Comments 21.11.2019

ECC Highways on TA stated that there would be additional traffic that will bring the Ickleton Road/London Road junction close to capacity which supports the contention that the development is a car based commuter estate using the villages as a rat run. The travel Information Pack would not change the use of transport away from car. The tree planting does not mitigate the development's negative impact upon the landscape.

8.2

LITTLE CHESTERFORD PC

Little Chesterford Parish Council strongly objects to this application on the following grounds;

- a. This site was dismissed as unsuitable from the original call for sites.
- b. The coalescence between Little and Great Chesterford is contrary to the NPPF, the two parishes are different and distinct and wish to remain so.
- c. The location of the vehicular access to the site, outside the village speed limit and village boundary, on a long, straight stretch of road in the countryside where speeding is commonplace is unacceptable, and unsafe and as such is contrary to NPPF policies S7 and H1.

d. The proposal is considered unsustainable due to the significant distance from the proposed development to facilities or services within either Little or Great Chesterford.

e. The proposal puts additional strain on services such as doctors and schools already under strain from significant local development of approximately 25% in the last 5 years, with no infrastructural support.

f. Only train commuters could walk to their departure point, there are no suitably located bus stops, resulting in a car dependent development.

g. Concerns were raised that all vehicles travelling south will drive through Little Chesterford, Littlebury or past Audley End, encouraging rat runs past historic buildings and through communities.

h. The noise and vibration survey carried out on behalf of AXIS shows that the site is unfit for human habitation due to noise and vibration from both the railway, M11 and London Road, B1383.

The consultants appear to circumnavigate this issue without addressing it, claiming that normal sound insulation would suffice for the houses facing the road, except better glazing etc would be necessary and gardens and amenity areas would need solid barrier screening and that the houses by the railway line would need special foundations isolating the houses from the ground.

8.3 **Great Chesterford Parish Council:**

Great Chesterford Parish Council met on Wednesday 10th April to consider the above application. It was resolved that the Parish Council **STRONGLY OBJECT** to this speculative application on the following grounds:

a. This site was dismissed as unsuitable from the original call for sites in 2015 due to the detrimental loss of agricultural land and diminished sense of place. The site was considered unsuitable as development on the site would not contribute to sustainable patterns of development. The Parish Council agrees with this assessment made by the Local Planning Authority at the time and does not feel anything has materially changed since that time.

b. This unsustainable site is in the parish of Little Chesterford, but the reality of the proposal would be that residents would overwhelm Great Chesterford facilities such as doctors and schools, already under strain from significant local development of approximately 27% in the last 5 years, with no infrastructural support, not helped by any precept generated by the development going to Little Chesterford Parish Council when this is clearly a Great Chesterford facing scheme. The lack of adequate mitigation via s106 for the Parish of Great Chesterford is totally unacceptable and very disappointing.

c. The coalescence between Little and Great Chesterford is contrary to the NPPF, the two parishes are different and distinct and wish to remain so. Development between the villages is not supported by either parish and the settlement separation is an important concept supported by both local and national policy and guidance.

d. The location of the vehicular access to the site, outside the village speed limit and Great Chesterford village boundary, on a long, straight stretch of road in the

countryside where speeding is commonplace is unacceptable, and unsafe and as such is contrary to policies S7 and HI.

e. The proposal lacks sufficient on site open space provision (both formal and informal) and is unsustainable due to the considerable distance from the proposed development to facilities or services within either Little or Great Chesterford with unsuitable, poorly maintained access routes. The Parish Council would have expected the proposal to include the addition of footpaths, a crossing, traffic calming measures, a play park and a cycle path following the representations made in November in response to the consultation. A potential contribution to the Traffic Regulation Order which might be required to reduce the speed along the road adjacent to the site down to 40mph is completely inadequate. This application does not sufficiently meet the requirement for a sustainable development as a result, it will be a car-based scheme where residents will not be able to safely or effectively travel to facilities in either village on foot or bicycle. Car parking provision does not meet UDC parking requirements, at the very least, the development should be delivering a cycle-path from the facilities in Great Chesterford (the recreation ground) in one direction, and to Little Chesterford in the other. Anything less than this makes the site unsustainable. The provision of a stretch of foot way/cycle way along the length of the proposed development is woefully inadequate.

f. This very prominent site would have an unacceptably detrimental visual impact as it is relatively elevated compared to the flat land around and will be highly visible from every direction including important footpaths, the railway line, the M11 and other B Roads in the vicinity and much further afield.

The ZTVs provided are not an accurate representation of distances the development would be seen from, and the scale of the development would be completely incongruous with the landscape in which the site is situated. In scale alone the development proposed would more than double the number of properties within the parish of Little Chesterford, and provide an unacceptably large extension to Great Chesterford, completely undermining the local plan process which is at an advanced stage.

g. Vehicles accessing employment sites from the development site will drive through Little Chesterford, Ickleton, Littlebury or past Audley End, encouraging rat runs past historic buildings and through communities already blighted by this. There is no traffic mitigation proposed, and in our view none could be adequately, realistically and sustainably provided.

h. The noise and vibration survey carried out on behalf of AXIS shows that the site is unfit for human habitation due to noise and vibration from both the railway, M11 and London Road, B1383. The consultants appear to circumnavigate this issue without addressing it, claiming that normal sound insulation would suffice for the houses facing the road, except better glazing etc would be necessary and gardens and amenity areas would need solid barrier screening and that the houses by the railway line would need special foundations isolating the houses from the ground.

i. The proposal is a car dependent development, as only train commuters could walk to their departure point, there are no suitably located bus stops within a walk-able distance for residents and as such is contrary to national policy. It will be completely unsuitable for the elderly, disabled or those with young children.

j. In its 2015 assessment of the call for sites UDC concluded that the site is within an "area more susceptible to poor air quality due to its proximity with the M11."

9. CONSULTATIONS

9.1 UK Power Networks

UK Power Networks equipment at the above site which show the electrical lines and/or electrical plant.

I have also enclosed a fact sheet which contains important information regarding the use of our plans and working around our equipment. Safety around our equipment is our number one priority so please ensure you have completed all workplace risk assessments before you begin any works.

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

9.2 UDC HOUSE ENABLING OFFICER

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 76 (net) units. This amounts to 30 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

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.

It is also the Councils' 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 bedroom units. This would amount to 4 bungalows across the whole site delivered as 2 affordable units and 2 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.

Name of scheme	West of London Rd, Great Chesterford. UTT/19/0573/OP				
	1 bed	2 bed	3 bed	4 bed	Totals
Total affordable units %	12%	42%	38%	8%	
Total affordable units	4	13	12	1	30
Affordable Rent	4	10	6	1	21
Shared Ownership		3	6	0	9
Total number of affordable bungalows					2

9.3 NATURAL ENGLAND

No comments.

9.4 ECC MINERAL & WASTE

Having reviewed the MRA, the Minerals Planning Authority accept the conclusions made and have no further comment in relation to this application.

9.5 **CRIME PREVENTION OFFICER**

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.

9.6 **AERODROME SAFEGUARDING**

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

9.7 **ECC ARCHAEOLOGY**

An Archaeological Programme of Trial Trenching followed by Open Area Excavation condition.

9.8 **HIGHWAYS ENGLAND**

No objection - This proposal will not have a material impact upon the Strategic Road Network

9.9 **ECC SUDS**

As a result of further information - Do not object to the granting of planning permission subject to conditions.

Initial objection - In the event that more information was supplied by the applicants 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.

9.10 **ECC ECOLOGY**

No objection subject to securing biodiversity mitigation and enhancement measures.

Summary

I have reviewed the Ecological Appraisal (BSG Ecology., Dec 2018) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, and identification of proportionate mitigation.

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

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

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

The mitigation measures identified in the Ecological Appraisal (BSG Ecology., Dec 2018) should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species.

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

Any planning permission should be subject to recommended conditions.

Additional Comments 21.11.2019

No objection subject to conditions to secure biodiversity mitigation and enhancement measures. Support the proposed reasonable biodiversity enhancements which we recommend to secure measurable net gains for biodiversity as outline in Paragraph 170d of the NPPF. This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under S40 NERC Act 2006. Impacts would be minimised through proposed conditions.

9.11 **ANGLIAN WATER**

The sewerage system at present has available capacity for these flows via a gravity discharge to manhole 6403.

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

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

9.12 **AFFINITY WATER**

No comments.

9.13 **ENVIROMENTAL HEALTH**

Noise Impact

The proposed dwellings would be exposed road and railway noise. A noise and vibration assessment by LDA design has identified that satisfactory average internal noise levels could be achieved by the use of standard, or in some cases, enhanced acoustic insulation measures, and it is accepted that adequate mitigation is achievable with respect to average internal noise levels.

Maximum noise levels at night should not regularly exceed 45 dB. The noise survey measured 63-70dB LAmax at different points on the site due to passing daytime trains. These would be passenger trains, and it is known that goods trains at night can be noisier, at up to 85dB LAmax at the trackside. Noise insulation of houses nearest the railway, particularly first floor bedrooms, should be adequate to protect residents from sleep disturbance due to night time goods trains.

The conclusions of the noise assessment are based on a one-day survey. A development to the north for 42 new homes, granted approval under application number 14/0174, was also supported by a noise assessment but this one was over a seven-day period. The noise assessment supporting this application concluded that noise from the railway required enhanced glazing and ventilation in some locations.

I am of the mind that a one-day survey is insufficient for such a proposal and recommend that an updated noise report using a longer survey is submitted in support of the application, although this could be done prior to any reserved matters

application should this be considered appropriate. This would offer much more confidence that the mitigation as proposed is sufficient to meet the appropriate standards.

The noise assessment found average daytime external noise levels of 57-68dB LAeq16h on the site, with road traffic on London Road being the main source. It is desirable that external amenity areas should not exceed 50 dB LAeq during day and evening periods. The report recommends screening to bring the noisier parts of the site down by 10 dB. However this would still be above the preferred level of 50dB, and the development should be designed to achieve the lowest practicable levels in external amenity spaces.

The vibration assessment determined that, in the absence of mitigation, adverse perception of vibration by the occupants of properties closest to the railway line would be possible. The report states that acceptable vibration levels could be achieved using mitigation measures such as building structural isolation. The following vibration targets are proposed, and are acceptable:

Daytime 0.2 m·s⁻¹-1.75 VDVb/d, 16 hour
Night-time 0.1 m·s⁻¹-1.75 VDVb/d, 8 hour
Reradiated noise within residential dwelling 40 dB LAmax(slow).

Land Contamination:

The report submitted in support of this application states that no sources of contamination have been identified. On the basis of the submitted information I am satisfied with this conclusion but recommend a condition with respect to any contamination which may be found during the course of development is placed on any decision notice should you be minded to grant approval.

Air Quality

The transport assessment indicates that the development would introduce an additional 457 traffic movements per day. While this is not expected to have a measurable effect on air quality within the Saffron Walden AQMA, the NPPF supports provision of measures to minimise the impact of development on air quality by encouraging non car travel and providing infrastructure to support use of low emission vehicles. A condition to this end is recommended.

Construction Impacts

Due to the scale of this proposed development, it is recommended that a condition is placed on any decision notice requiring a Construction Method Statement, should you be minded to grant approval.

Public Health

The provision of open space and a cycle path along the London Road frontage are welcomed. However an isolated length of cycle path will have little effect on encouraging active modes of transport, and any opportunity to extend it further should be explored.

9.14

ECC HIGHWAYS

Further info required 18.04.2019

1. The traffic surveys upon which the access visibility and assessment of the junctions rely
2. The data sheets containing the information road traffic accidents in the study area
3. A safety audit of the proposed access arrangements

17.07.2019

As a result of further information being submitted the following comments were submitted;

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

The impact on the assessed junctions is minor but does bring London Road/Ickleton Road close to capacity. The most appropriate mitigation for this is to maximise the sustainable transport opportunities, which in this case is to ensure a good walking and cycle links to and from the site and additional parking at the station (Greater Anglia has been consulted over this). The Uttlesford Cycling Action Plan and the Draft Local Plan both outline the need for better cycle links to and from Great Chesterford, a section of this facility is one of the conditions recommended below.

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.

9.15 **ECC EDUCATION**

From the information received a development of this size can be expected to generate the need for up to 6.84 early years and childcare (EY&C) places; 22.80 primary school, and 15.20 secondary school places.

Developer contribution figures are calculations only and final payment will be based on the actual dwelling unit mix and the inclusion of indexation.

The proposed development is located within the Chesterford, Littlebury and Wendons Ward. According to ECC childcare sufficient data, a total of zero unfilled places were recorded. For ECC to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure diverse range of provision so that different needs can be met. The data shows insufficient places to meet demand from this proposal. So, based on the demand generated by this proposal as set out above, a developer contribution of £119,166.48, index linked to April 2018, is sought to mitigate its impact on local EY&C provision.

This site sits within the priority admissions area of Great Chesterford CE Primary Academy, which admits up to 30 pupils each year. The Academy is currently full in most year groups but forecasts suggest that there will be sufficient capacity in most future years to accommodate pupils from 76 new dwellings.

So, based on the demand generated by this proposal as set out above, a developer contribution will not be sought to mitigate its impact on local primary school provision.

The secondary priority admissions area school would be the Saffron Walden County High School. The school is at or close to capacity in every year group. Looking at forecasts published in ECC 10 years Plan to meet demand for school places, additional capacity could be required from 2021/22 onwards to accommodate all the pupils requiring a place within the wider area which includes the Joyce Frankland Academy.

So, based on demand generated by this proposal as set out above, a developer contribution of £352,852.80, 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, ECC 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.

Therefore should planning permission be granted this should be subject to a Section 106 Agreement to mitigate the above.

9.16 Greater Cambridge (Cambridge City and South Cambridgeshire District Councils)
No comments

10. REPRESENTATIONS

10.1 The application has been advertised on site and within the local press. Neighbouring residential occupiers have also been consulted of the application. As a result the following points have been raised:

- Landscape Assessment is wrong viewpoint 2 taken from farm track and not footpath between Great and Little Chesterford
- Object
- Unwelcome extension to village
- Loss of views
- Loss of greenfield/agricultural field
- Not sustainable as facilities are a distance
- Village has grown 25% over last 5 years
- Too many house built in and around Chesterford
- Congestion
- Cumulative impact/ Infrastructure at capacity
- Village school unable to grow
- Railway unable to provide parking
- Highways safety
- Erosion of villages and reducing gap between the two
- Houses are not selling on existing development site
- Eroding sense of place and village environment
- Noise and Vibration survey should at the site is not acceptable for human habitation due to the railway and the London Road
- Report states that normal insulation would be fine
- Special foundations would be required

- TA figures are unrealistic, private care would be required to use the village facilities. These are half to a third of what is expected.
 - Even if this is correct then road works would be required to deal with cumulative impact ie. roundabout, streetlighting regulated speed limits
 - Footpath behind Granta Close with controlled crossing would reduce the need for private cars
 - Speed limits are not complied with access in and out of site would create additional dangers
 - Should better relate to village rather than be just an add on
 - Village has already expanded
 - Developers struggling to sell existing housing
 - No connection to village
 - Change character of village
 - Children using the train to get to JFAN school
 - Road unsafe
 - Unsustainable due to location of village facilities
 - Village has reached saturation
 - Village school not capable of expanding
 - Railway station parking is full
 - Landscape Assessment viewpoint 2 is wrong
 - All reports conclude that there is no impact
 - Contrary to neighbourhood plan
 - Blurred boundary between villages
 - Contrary to NPPF
 - No details of street lighting
 - Provision of community facility shop/pub/dr surgery
 - No integration
 - Application should not be determined until Draft Local Plan has been determined in January 2020
 - Development lies outside the village of Little Chesterford Contrary to Policy S7 countryside and H1 dwelling allocations
 - Site previously rejected in call for sites
 - No access to M11 north bound
 - Local bus service not extended
 - Noise and dust
 - Not sustainable too far from facilities
 - As the site lies within the boundary of Little Chesterford the impact would be in Great Chesterford
- Support:
 - More sustainable than garden community

11. APPRAISAL

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

- | | |
|---|---------------------------------------|
| A | Principle of development |
| B | Design |
| C | Mix of Housing and Affordable Housing |
| D | Amenity |
| E | Highways |
| F | Landscaping and Ecology |

- G Flood Risk and Drainage
- H Archaeology
- I Infrastructure provision to support the development
- J Other material considerations including minerals

A Principle of development

- 11.1 The Draft Local Plan is still at an early stage and has some but limited weight. At the present time the adopted Local Plan policies are still in force. However, the National Planning Policy Framework (NPPF) is a material planning consideration and this has a strong presumption in favour of sustainable development.
- 11.2 The application site is located outside, but adjacent to the development limits of Great Chesterford and on the approach to Little Chesterford 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. 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 Policy S7 of the 2005 Local Plan.
- 11.3 A review of the Council's adopted policies and their compatibility with the NPPF has been carried out on behalf of the Council by Ann Skippers Planning. Whilst this compatibility report relates to the 2012 NPPF the thrust of the conclusions is still considered relevant. Policy S7 is found to be partly consistent with the NPPF. The protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development, but the NPPF takes a positive approach, rather than a protective one, to appropriate development in rural areas. The policy strictly controls new building whereas the NPPF supports well designed new buildings to support sustainable growth and expansion of all types of business and enterprise in rural areas. As such this reduces the weight given to the restraint implied by Policy S7 and this must be weighed against the other sustainability principles.
- 11.4 The applicants have argued that Uttlesford cannot demonstrate an adequate 5 year supply of housing land. The Council recognises that it has a shortfall, and that it should consider favourably applications for sustainable residential development which will make a positive contribution towards meeting housing need. Following the publication of the revised NPPF in March 2019 and the updating of the Planning Practice Guidance, the Council can demonstrate a 2.68 year housing supply which has dropped recently from 3.29 years. In terms of housing delivery, nationally available figures indicate that delivery was 147% over the past 3 years.
- 11.5 Nonetheless, the Council still remains without a deliverable 5 year supply of housing land and therefore applications have to be considered against the guidance set out in the NPPF. The Council has accepted this previously and has considered and determined planning applications in this light. As a consequence, planning permission has been granted for residential development outside development limits where appropriate, on sites that are identified for potential future development in the emerging Local Plan and on sites which are not identified but which are considered to be sustainable to ensure delivery in the future and to ensure that the level of housing

supply is robust. Such sites which are quickly deliverable in the short term to maintain a 5 year land supply.

- 11.6 The application site is not located within the emerging draft local plan, which is at Regulation 22 stage, however this was part of the number of sites which were submitted for consideration. The site was described as *“This is a greenfield site located on the southern edge of Great Chesterford (but within Little Chesterford Parish) and adjoins the existing development limits. The site is within walking distance of the railway station. The site is over 800m from the services and facilities in the village centre but it would be possible to walk or cycle. The site is within the A1 Cam River Valley category of the Landscape Character Assessment. It has a relatively high sensitivity to change. The site lies partly within Sector 4 - Newmarket Road approach from the south east of the Great Chesterford Historic Settlement Character Assessment. The principal effect of development would be to extend the village beyond its clearly defined landscape edge detrimentally affecting the setting of the village as a whole. It is considered that development in this sector would diminish the sense of place and local distinctiveness of the settlement. The development of the site is considered unsuitable because the southern edge of the village currently forms a strong defensible boundary to development and development of this site would extend development south-westwards along the valley.”* The site was assessed in consideration that the site would provide 100 dwellings. Due to the above the site was not considered in the draft emerging Local Plan. This application for consideration is for 76 dwellings.
- 11.7 The Planning Statement submission it highlights *“the policies that are ‘most important for determining the application’ are considered to be out of date in line with Paragraph 11 of the NPPF. The tilted balance of the NPPF therefore applies to the determination of this application. This means that the balance is tilted in favour of sustainable development and consent should be granted unless any adverse impacts would ‘significantly and demonstrably’ outweigh the benefits. The degree to which the principle of development should be considered acceptable is therefore predicated on whether it represents sustainable development.”* The NPPF sets out a presumption in favour of sustainable development. This is reflected in emerging draft Policy SP1.
- 11.8 The core principles of the NPPF set out the three strands of sustainable development. These are the economic role, social role and environmental role. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. It is therefore necessary to consider these three principles.
- 11.9 Economic strand;
The NPPF identifies this as contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure. Whilst the proposed development does not directly provide employment it has been stated within the Planning Statement that the proposed development of residential dwelling would provide short term employment for locals during the construction of the site, however it would also support existing local services and provide the possibility of small start-up businesses. The proposed development would assist in the economic vitality and viability of the village and surrounding local area. The site is near commercial estates which would provide employment opportunities plus be economically supported by the proposed new dwellings.

- 11.10 This proposal would help deliver an economic role.
- 11.11 Social role:
 The NPPF identifies this as to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. The proposal would make a contribution towards the delivery of the housing needed for the district, including a provision of affordable housing, and housing designed to Part M Building Regulations. Whilst design is a reserved matter, the illustrative Master Plan indicates a development that reflects the rural character of the location. Landscaping would be used to reduce the visual impacts and some landscaping elements would introduce additional facilities required for health, social and cultural well-being. These include proposed open spaces; children play spaces, recreation, new footpaths and cycle routes. The application site is located in one of the most sustainable locations within the District which is adjacent to employment, near village facilities and services, including a main railway link to London. With the village a walkable distance away, this offers a further facilities and services. Financial contributions are proposed towards education provision as well as the provision towards affordable housing to mitigate the impact of the proposed development.
- 11.12 The scheme would facilitate social cohesion as it would enable the provision of a mix of housing for local people near the village. This proposal would help to deliver a social role.
- 11.13 Environmental role:
 The NPPF identifies this as contributing to protecting and enhancing our 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. Whilst layout, scale, design and landscaping are to be reserved matters, there is significant detail within the illustrative Master Plan and the Design and Access Statement to demonstrate how landscaping and biodiversity would be enhanced and preserved.
- 11.14 The scheme would integrate the proposed development with the existing built form and public footpaths. There is easy access to bus services from the site encouraging non car based journeys. Habitats on site would be enhanced through improved meaningful landscaping schemes. The scheme has been amended to provide a substantial woodland area to the south of the application site which would create a full stop to the development and a buffer with Little Chesterford. This proposal would help to deliver an environmental role.
- 11.15 The proposals would help to fulfil the three principles of sustainable development. As such the proposals would comply with the positive stance towards sustainable development as set out in the NPPF and the presumption in favour of approval, unless material considerations indicate otherwise. I attach significant weight to this and consider that the more recent national policy set out in the NPPF should take precedence over Policy S7 of the Local Plan.
- 11.16 Emerging Draft Local Plan Policy SP2 states amongst other things that "*Key villages will be the major focus for development in the rural areas reflecting their role as provider of services to a wide rural area*" and "*New developments in the Type A and Type B villages will be limited with emphasis being on:*

- a. *Enhancing the maintaining a distinctive character and vitality of local rural communities;*
- b. *Shortening journeys and facilitating access to jobs and services;*
- and
- c. *Strengthening rural enterprise and linkages between settlements and their hinterlands.”*

This is also reflected in adopted Local Plan Policy S3.

- 11.17 The development is considered to be sustainable development and therefore the principle of the proposal is acceptable subject to other considerations.
- 11.18 The relevant assessments have been submitted in support of the proposed development. These will be individually assessed through this report as will the mitigation measures with any Section 106 Obligations that maybe required. The detailed aspects relating to amenity and house types whilst touched upon below would be assessed at reserved matters stage should planning permission be granted.
- 11.19 The application will result in the permanent loss of some site area of 3 hectares of Grade 2 agricultural land. Local Plan Policy ENV5 does not seek to prevent the loss of Best and Most Versatile land (BMV) agricultural land if there is no lower value land available. The fact that there is a shortage in the 5 year land supply and the fact that the Council is looking at releasing greenfield sites in the countryside to meet its housing needs demonstrates that there is insufficient land available within settlement boundaries or brownfield sites. Some 80% of the agricultural land within the district is Grade 2 (very good) and the rest is Grade 3 (good to moderate).
- 11.20 In an appeal decision relating to a site in Saffron Walden the Planning Inspector discussed the loss of agricultural land within his appeal decision relating to UTT/13/2060/OP. The Inspector stated *“LP Policy ENV5 only permits development of the best and most versatile land where opportunities have been assessed for accommodating development on previously developed land or within existing development limits. Where agricultural land is required, areas of poorer quality should be sought except where sustainability considerations indicate otherwise. This accords generally with the thrust of the Framework.”* The Inspector goes onto state *“As such, while the loss of the best and most versatile land would be modest in the context of the general quality of agricultural land in the District, this would be a disbenefit of the proposal to be weighed in the overall balance in my decision. In the circumstances it would carry only limited weight but would nonetheless conflict with the aims of LP Policy ENV5.”* This is considered applicable to this application.
- 11.21 In consideration of the above and the fact that there is insufficient lower grade agricultural land that is sustainably related to existing settlement to meet needs, it is therefore not considered that there is conflict with Policy ENV5. The development is considered to be sustainable development and therefore the principle of the proposal is acceptable. The benefit is considered to outweigh the harm in respect of housing need and principle of the development in this location subject to the design of the development, landscaping and the number of dwellings to be developed.

B Design

- 11.22 With regards to the proposed design of the scheme the NPPF and Local Plan Policy GEN2 seeks for quality design, ensuring that development is compatible in scale, form, layout, appearance and materials. The policies aim to protect and enhance the

quality, character and amenity value of the countryside and urban areas as a whole seeking high quality design.

- 11.23 As to whether the scheme would be compatible with the character of the settlement area and countryside, the scheme would see development on the urban fringe of Great Chesterford, outside Development Limits. The site is located adjacent to Ash Green development to the north which is a late 80s - early 90s development. The countryside surrounds the site to the west, south and east. However, the site is bound by railway line to the west which is sunken but the overhead railway power lines. The ground levels incline east to west, and drop off steeply to the east of London Road.
- 11.24 Whilst the design of the proposed development is a reserved matter illustrative plans have been submitted as party of the application to demonstrate how the scheme can be implemented.
- 11.25 Based on the adjacent Ash Green Development and Granta Close opposite the proposed development would be seen as an extension of the Village. As a result subject to detail would not be out of keeping with the surrounding environment and built form. Ash Green provides a soft vegetation along the shared boundary with the application site which provides a softening and the sites transition to the countryside. The revised illustrative masterplan takes this principle and adopts it as part of the development scheme. A landscape buffer is retained along the sites boundaries and locates the LEAP to the northeaster corner of the site closest to the Village and will be connected for accessibility via an extended pedestrian footpath. To the south of the site a 'farmstead' style development is proposed as a phased integration to the wider countryside as you leave the site, this is followed by a large open space area together with a large planted woodland area adjacent but outside the application site. The woodland area would contribution towards the Council's undertaking to increase the level of tree coverage within the District also as a full stop to the development and any future possibility of development beyond this site. The proposed woodland area would help provide a distinctive gap between Great Chesterford and Little Chesterford.
- 11.26 The proposed woodland area and groups of locally native tree species will be used to filter views of the built form from views south of the Site. It will maintain and create a stronger green edge character to Great Chesterford. Landscaping along the eastern boundary of the Site, adjacent to London Road, setting development back and softening the edge of built form from views to the east. To the west adjacent to the railway, the development will be set back with a green corridor providing an improved hedgerow along the site boundary with informal groups of trees along its length. This is also stated to soften the development from the south and west. These features will extend the 'green' edge to the village along the Site. Undoubtedly, the creation of significant landscape features would create and add to the amenity provision and landscape character, as well as the creation of new habitats.
- 11.27 The development is stated would be characterised by four different areas:
- Area 1: The Village End
 - Area 2: The Farmstead
 - Area 3: The Meadow and Orchard – Community Green Space
 - Area 4: The Village Walk and Green Edges.
- 11.28 The illustrative plan shows:

- Proposed vehicle access at interface between character areas
- Potential emergency access location
- Village character development
- Farmstead character development
- Pedestrian-friendly main access street
- Shared access lanes / mews
- Informal neighbourhood spaces
- Community green space / orchard / play area
- Woodland / circular nature walk / noise separation from railway
- Footpath links
- Wildlife edge (tree groups and mixed native hedge) and informal footpath
- Existing trees retained and protected

- 11.29 The proposal would see the extension of pedestrian footpath and cycle path to connect with the village and the nearby railway station. A circular footpath network is proposed around the edge of the Site.
- 11.30 Within the application submission it is stated that the proposed dwellings would be 2 storeys. The average density across the site would be 33 dwellings per hectare. Whilst the site is on the edge of Great Chesterford in countryside location the density reflects the emerging draft Policy H1 which states that within the town development limits densities should be between 35-60 dph.
- 11.31 Through the incorporation of design techniques and principles the proposal will be able to discourage and minimise the risk of crime and anti-social behaviour through natural and informal surveillance. Planting throughout the scheme will permit through-visibility, making spaces feel open and safe.
- 11.32 It is stated that the proposed dwellings would meet energy efficiency standards through the use of insulation and minimising energy use. The proposed dwellings would also meet Part M of the Building Regulations in terms of accessibility. This is in accordance with Local Plan Policy GEN2 and the NPPF, also emerging draft Policies H10 (Accessible and Adaptable Homes), D1 (High Quality Design), D8 (Sustainable Design and Construction), D9 (Minimising Carbon Dioxide Emissions) and EN12 regarding reducing water consumption.

C Mix of Housing and Affordable Housing

- 11.33 Adopted Local Plan Policy H9 and emerging draft Policy H6 requires that 40% affordable housing is provided on sites having regard to market and site conditions. Emerging Draft Local Plan Policy H2 states *“New housing developments will provide for a mix of house types and sizes to meet the different needs of the local area and the District as a whole including a significant proportion of 3 and 4+ bedroom market housing and 2 and 3 bedroom affordable housing to meet the needs of families as evidenced by the most recent Strategic Housing Market Assessment having regard to local character, significance of heritage assets and the viability of the development which will be assessed on a site by site basis”*
- 11.34 There would be a range of house types, sizes (ranging 2 to 5 bedrooms) and tenures. This will include housing for sale across a range of prices, with affordable housing to rent and shared equity/ownership. The development will not exceed two storeys in keeping with its village edge location.

- 11.35 The applicants have confirmed that the development would provide 40% affordable housing, which would equate to a maximum of 31 dwellings out of the full 76 dwellings provision.
- 11.36 The applicants have also confirmed that the mix and location of the units would be agreed at the reserved matters stage. The applicants have also confirmed that the development would provide 5% wheelchair accessible and bungalows (equating to 4 units) to meet wheelchair accessible housing need. It is highlighted that there would be 70% (affordable rent) and 30% (shared ownership) division on the proposed properties to be created. No objection has been raised by the UDC Housing Enabling Officer subject to meeting the above.
- 11.37 The final design, number and size of units would be determined at the reserved matters stage but it is considered that the application proposes an acceptable level of affordable housing on the site and is capable of providing an acceptable mix of dwellings. As such the application complies with Policies H9 and H10 of the Local Plan.

D Amenity

- 11.38 The design layout shows an indicative illustration of how the scheme could be laid out. It is considered that there is sufficient land to ensure back to back distances are adhered to preventing overlooking both between existing and proposed dwellings, and that there would be sufficient amenity space in accordance with the Essex Design Guide. Various types of open space have been designed as can be seen from the illustrative plan. These will be in the form of landscaped areas, Sustainable Drainage (SUDs) features and play space areas. The design of the open spaces would be further detailed at reserved matter stage should planning permission be granted. Nonetheless, it is considered that the site is capable of accommodating the number of dwellings proposed.
- 11.39 The existing residents would be far enough removed from the new housing so that there would be no issues of overlooking or overshadowing. Noise and Vibration Assessment has been submitted with the application to assess the amenity levels of future residents of the development due to the site's proximity to the railway lines. The assessment concluded that the amenity within the development would be acceptable subject to insulation measures. Garden amenity could be improved through screening measures and layout of the dwellings.
- 11.40 Details of lighting both in terms of ecological, countryside, design and amenity impact would be assessed at reserved matters stage should planning permission be approved, in accordance with Local Plan Policy GEN4 and draft Policy EN18.

E Highways

- 11.41 Local plan policy GEN1 states "development will only be permitted if it meets all of the following criteria;
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
 - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
 - c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.

- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expects to have access.
e) The development encourages movement by means other than driving a car.”

11.42 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework.

11.43 Emerging Draft Policy TA1 states the following;

“Development and transport planning will be co-ordinated to reduce the need to travel by car, increase public transport use, cycling and walking and improve accessibility and safety in the District while accepting the rural nature of the District. The overall need to travel (especially by car) to meet the day to day service needs will be minimised. Development proposals will be located in close proximity to services and make use of sustainable forms of travel (walking, cycling and public transport) to fulfil day to day travel needs as a first requirement. To achieve this:

- 1. The capacity of the access to the main road network and the capacity of the road network itself must be capable of accommodating the development safely and without causing severe congestion;*
- 2. Development will maintain or improve road safety and take account of the needs of all users, including mobility impaired users;*
- 3. New development should be located where it can be linked to services and facilities by a range of transport options including safe and well-designed footpaths and cycle networks, public transport and the private car;*
- 4. Development should be located where it can provide safe, attractive, direct walking and cycling routes between new developments and schools/ other community infrastructure, together with appropriate design for these new facilities that encourages and delivers sustainable travel;*
- 5. Existing rights of way, cycling and equestrian routes (designated and non-designated routes and, where there is evidence of regular public usage, informal provision) will be protected and, should diversion prove unavoidable, provide suitable, appealing replacement routes to equal or enhanced standards ensuring provision for the long-term maintenance of any of the above;*
- 6. A Transport Assessment will be required on all developments creating significant impact on the highway to assess the impact and potential mitigation required; and*
- 7. Appropriate and safe networks, as defined by the Essex Local Transport Plan, will be provided to allow for increasingly independent travel by vulnerable road users to allow such individuals to provide for their own travel needs.”*

11.44 Draft Policy TA2 amongst other things seeks *“Sustainable modes of transport should be facilitated through new developments to promote accessibility and integration into the wider community and existing networks. Priority should be given to cycle and pedestrian movements and access to public transport.....”*

11.45 The securing of infrastructure delivery to address cumulative impacts and the needs from the development is highlighted in Draft Policy INF1.

- 11.46 Paragraph 109 of the NPPF states *“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.”*
- 11.47 The site is in a sustainable location close to existing residential areas, employment and local facilities. Great Chesterford has access to a range of amenities. This include a convenience store, two doctors’ surgeries, and three pubs/restaurants.
- 11.48 Great Chesterford is a large village in the District and it is considered to be sustainable as there are bus routes which are located and going through Great Chesterford. Service 7 is an hourly service (Saffron Walden – Cambridge), with the nearest bus stop found approximately 700m from the potential access to the site. The closest bus stop to the site, however, is approximately 260m south of the site on London Road, serving the 101 (Tuesdays only Saffron Walden – Whittlesford) and 132 (Saffron Walden – Cambridge Two-hourly between 0900 and 1800) bus services.
- 11.49 The nearest railway station is Great Chesterford, approximately 700m walk from the site. The rail station is on the West Anglia Main Line, connecting London and Cambridge. Greater Anglia hourly services in each direction between Cambridge and London Liverpool Street. Additional services run in the peak periods. Travel time to Cambridge is approximately 15 minutes and travel to London Liverpool Street takes approximately 1hr 12 minutes
- Great Chesterford is served by the B184 and B1383. The M11 runs parallel to the west and north of Great Chesterford. It is accessible via Walden Road at Junction 9a.
- 11.50 Pedestrian movements along London Road would be via a shared cycle/footway approx. 3m wide adjacent to the site, south-western side of the London Road. This would link to the footpath adjacent to Ash Green. This would fit in with the cycling network improvements planned across the District.
- 11.51 The site is located within approximately 20 minute walk (0.9miles) to the edge of the historic village centre.
- 11.52 There are a number of Public Rights of Way (PRoW) in the surrounding area of the site. These connect Great Chesterford to surrounding conurbations Hadstock to the east and Little Chesterford and Saffron Walden to the south.
- 11.53 Access will be taken from London Road the access will be 5.5m wide with 2m wide footpath either side. A ghost island right-turn lane is proposed, along with a pedestrian and cyclist refuge on the minor arm to enable the movement of pedestrians and cyclists along the proposed Great Chesterford cycle route.
- 11.54 A Transport Assessment (TA) has been submitted as part of the application. Below is a table highlighting proposed forecast trip generation from the proposed development;

Table 5-2: Forecast Vehicular Trip Generation – 76 Dwellings

Period	Arrivals	Departures	Total
0800 – 0900	14	24	38
1700 – 1800	27	20	47
0700 – 1900	230	227	457

- 11.55 Cumulative development impact from nearby schemes, New World Timber site have been taken into consideration.
- 11.56 B1383 London Road / Site Access assessment shows that this would be within capacity. London Road / Ickleton Road Capacity Assessment n- The forecast increases in traffic flows resulting from the proposed development at this junction is less than 30 vehicles during either peak hour. The results of the capacity assessment show that the proposed development is forecast to have a minimal impact on the operation of the junction, an increase in queue lengths on the Ickleton Road of around one vehicle.
- 11.57 The results show that the proposed development is forecast to have a negligible impact on the operation of the B184 Roundabout with all arms forecast to be within capacity during all scenarios.
- 11.58 A Traffic Regulation Order is proposed to be submitted by the applicant to reduce the speed limit outside of the site to 40mph. However, this is outside of the scope of the planning application.
- 11.59 The TA submitted has been assessed by ECC Highways, as highlighted in Section 9.14 above, of which they have raised no objection subject to conditions. The scheme is therefore considered to be in accordance with policy subject to conditions.

Parking

- 11.60 It has been confirmed within the submission that the proposed scheme would accord with current local parking standards. A mixture of parking methods would be proposed through the scheme, however it should be noted that this is a reserved matter for further consideration at a later date. The scheme is therefore capable of according with Local Plan Policy GEN8 and The Essex Parking Standards (2009), and Local Residential Parking Standards adopted (February 2013), also in accordance with Draft Policy TA3.

F Landscaping and Ecology

- 11.61 Local Plan Policy ENV8 highlights that development that would adversely affect landscape elements will only be permitted if the need outweighs the harm and mitigation measures are provided.
- 11.62 Draft Policy C1 seeks the protection of landscape character in terms of preserves and enhances the landscape pattern and important views.
- 11.63 Similarly, Paragraph 170 of the NPPF states “*Planning policies and decisions should contribute to and enhance the natural and local environment by:*”

- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) *maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) *remediating and mitigating”*

- 1.64 Strategic Housing Land Availability Assessment (SHLAA, 2015 and 2018 Update) UDC held a Call for Sites exercise between 1 April and 1 June 2015. The site was submitted as part of the SHLAA, of which the site’s suitability, achievability and availability was assessed.
- 1.65 The SHLAA Assessment has informed the Local Plan process and indicated which sites should be allocated in the Local Plan. Sites were assessed in 2015, then again in line with an updated methodology in 2018. The Site was assessed in both 2015 and 2018 (site reference: 04LtChe15). 100no. dwellings was considered. The conclusion of the 2015 site assessment was that *‘the site is within walking distance of the railway station. The site is over 800m from the services and facilities in the village centre but it would be possible to walk or cycle. The southern edge of the village currently forms a strong defensible boundary to the development. The development of this site would extend development south-westwards along the valley. The site is considered suitable as development on this site would contribute to a sustainable pattern of development’*. The 2018 assessment then changed the conclusion, but not the assessment criteria, to state that the Site was not suitable because, *‘the southern edge of the village currently forms a strong defensible boundary to development and development of this site would extend development south westwards along the valley’*. The difference in the conclusion of the Site’s suitability between the 2015 SHLAA site assessment and the conclusion in the 2018 site assessment is not explicitly explained, but appears to be solely on the basis of landscape impacts. The evidence on landscape impacts appears not to have changed in the intervening period, with both assessments referring solely to the Uttlesford Landscape Character Assessment (2006). In both cases, the SHLAA assessment states, *‘the site is within the A1 Cam River Valley category of the Landscape Character Assessment. It has a relatively high sensitivity to change’*. Similarly to the 2015 assessment 100no. dwellings were considered.

- 11.66 As a result of the above a Landscape and Visual Appraisal (LVA) of the proposed development was undertaken by LDA Design between August 2018 and January 2019 to establish the anticipated landscape and visual effects of the proposed development. This has been submitted as part of the application. The Planning Statement informed by the LVA highlights *“The Site is located within landscape character area A1 Cam River Valley as identified in the Uttlesford Landscape Character Assessment (2006). Effects on landscape character are limited to those areas within the Site and its immediate surroundings up to 2km from the Site within A1 Cam River Valley landscape character area only. Direct effects within the Site would be Moderate and Adverse. Indirect effects within the character area reduce with distance from the Site to Slight-Minimal and Neutral up to 2km from the proposed development where there is intervisibility Overall, only an extremely limited area within the A1 River Cam Valley would be urbanised by the Proposed Development, it would be near existing residential development and would only increase the urban influence upon a limited part of the character area. As the influence of Ash Green and Granta Close residential developments in the north and northeast of the Site already degrade the condition of the area, as does the adjacent railway infrastructure, the scale of effect upon the overall character of A1 Cam River Valley is judged to be Negligible as fundamentally, the character area will have barely perceptible differences from the baseline. This results in Minimal effects.”* The proposed development is for a lesser number than what was considered as part of the 2015 and 2018 assessment. It is also stated that the proposed development would be located within the valley floor therefore limiting the impact from the development.
- 11.67 The adjacent TPO trees to the north will be retained. Other than landscaped site margins there is nothing planting wise of merit on site. As part of the proposed development new planting is proposed including a significant woodland which will significantly enhance the buffer planting and improve biodiversity and provide an enhanced wildlife corridor. It is considered that this would facilitate in providing a meaningfully full stop and boundaries between Great and Little Chesterford. This would also facility in providing visual mitigation. The applicant clarified control of adjoining land to the south, adjacent to the site, and confirmed that the landowner has offered to provide further tree planting on that land of up to 20% of the site, equivalent to 0.64ha of land which is additional to the already proposed 0.83ha of green space. This provides a total of 1.47ha or 46% of the site as open green space.
- 11.68 The proposed development would be an extension of the existing built form and could be designed to be assimilated into the wider environment. The ground levels are likely to change as a result of the proposed development, of which this is a reserved matter.
- 11.69 The UDC Landscape Officer has assisted in providing advice in order to make the proposed development more acceptable. There would be limited impact upon the existing trees. Therefore no objection has been raised subject to conditions. The scheme is therefore considered to accord with Local Plan Policies S7, GEN2, GEN7, ENV3 and ENV8, also the NPPF.
- 11.70 Local Plan Policy GEN7 for nature conservation seeks that development that would have harmful effects upon wildlife or geological features will not be permitted unless the need for development outweighs the harm. It also seeks that a conservation survey be sought for sites that are likely to be ecologically sensitive with associated mitigation measures. This is in line with draft Policy EN7.

- 11.71 An extended Phase 1 Habitat Survey was undertaken in July 2018 and a Preliminary Ecological Appraisal (PEA) is submitted with the application following undertaking a Biodiversity Checklist which identified the sites ecological sensitivities.
- 11.72 The habitats recorded on site include arable land with semi-improved grassland field margins, a species poor hedgerow, a dry ditch and scattered scrub along the boundaries. The development is within 250m of any Habitats of Principal Importance; Ancient Woodland and/or Local Site.
- 11.73 No specific evidence of protected species was found during the survey, and therefore no further surveys for protected species were required with the exception of a pre-construction check for signs of badger. However, a number of mitigation measures have been suggested as protected species cannot be ruled out regardless;
- * Avoidance of excessive light spill onto the northern boundary – it is proposed that lighting will be designed to avoid excessive light spill onto the boundary vegetation, through the use of lighting cowls and adjusting column height as necessary.
 - * Clearance of vegetation and arable field outside of the bird breeding season or a pre- check undertaken.
 - * Retention of grass margins where possible, and precautionary measures taken on areas where machinery will be tracked.
 - * A pre-construction check for signs of badgers.
- 11.74 The PEA identified a number of opportunities for biodiversity enhancement;
- * Planting of species-rich hedgerows along all Site boundaries with locally native species to strengthen the boundaries and improve connectivity.
 - * Installation of three bat and three bird boxes on retained boundary trees or integrated into new buildings.
 - * Creation of two to three small hibernacula/log piles for wildlife around the Site boundaries, as a general enhancement measure.
 - * Sensitive long-term management of the field margins, where retained.
- 11.75 The trees along Ash Green are covered by a TPO. An Arboricultural Survey has been undertaken and submitted as part of the application. A total of 15 trees, 3 groups and 1 hedge have been recorded within the assessment. This includes 6 category 'B' trees (moderate quality within an estimated life expectancy of at least 20 years) and 9 category 'C' groups (low quality with a life expectancy of at least 10 years or young trees < 150mm diameter stem) and 1 category 'C' hedge have also been documented. There is also the group of trees along the shared boundary with Ash Green. The pruning back of one tree is proposed and no other works due to the location of the trees. The provision of amenity space along the shared boundary will help to protect the tree roots of the TPOs as part of Tree root protection measures.
- 11.76 As outlined in Section 9.10, ECC Ecology have raised no objection subject to securing biodiversity mitigation and enhancement measures.
- 11.77 In respect of ecology and trees the proposed development is considered to be in accordance with Local Plan Policies S7, GEN2, GEN7, ENV3 and ENV8, Draft Policies C1 and EN7, and NPPF Paragraph 170.

G Flood Risk and Drainage

- 11.78 Local Plan Policy GEN3 seeks the protection of functional floodplains and buildings would not be permitted unless there is an exceptional need. It goes onto state

“Within areas of flood risk, within the development limit, development will normally be permitted where the conclusions of a flood risk assessment demonstrate an adequate standard of flood protection and there is no increased risk of flooding elsewhere.....Outside flood risk areas development must not increase the risk of flooding through surface water run-off. A flood risk assessment will be required to demonstrate this. Sustainable Drainage Systems should also be considered as an appropriate flood mitigation measure in the first instance.”

- 11.79 Draft Policy EN10 for minimising Flood Risk takes a stronger approach in terms of minimising flood risk in line with more up to date national policy, such as the NPPF. It states that *“All new development will need to demonstrate that there is no increased risk of flooding to existing properties, and proposed development is (or can be) safe and shall seek to improve existing flood risk management.”*
- 11.80 Draft Policy EN11 seeks for SuDS to be submitted that would provide optimum water run-off rates and volumes taking into account relevant policies and legislation, without creating a risk of bird strike compromising the safety of operations of London Stansted Airport or risking archaeological assets.
- 11.81 Due to the scale of the proposed development a Flood Risk Assessment has been undertaken and submitted as part of the application, in accordance with Policy requirements. The application site falls within Flood Risk Zone 1 where there is low probability of flooding from tidal or fluvial sources. This is reflected in the topography of the land. The site is stated to be located within a negligible risk of groundwater flooding and groundwater flooding incidence has a chance of less than 1% (1 in 1,000 year) annual probability of occurrence. The assessment has been undertaken to demonstrate that the proposed development would not increase the risk of flooding outside of the application site.
- 11.82 Design & Access Statement outlines that the proposed development will accord with ECC SUD Design Principles of;
- Design for interception of the first 5 mm of all rainfall events;
 - Restrict post-development runoff rates during all rainfall events up to and including the 1 in 100 year event to the greenfield 1 in 1 year runoff rate or lower;
 - Provide Long Term Storage to ensure any volumes leaving the Site above greenfield runoff volumes during the 1 in 100 year 6 hour rainfall event discharge at the greenfield 1 in 1 year runoff rate or lower;
 - Design for an additional 10% of impermeable area to mitigate against urban creep;
 - Design for a 40% increase in rainfall intensity to allow for climate change impacts;
 - Design storage to half-empty within 24 hours to allow for multi-event scenarios;
 - Design an appropriate train of SuDS components to reduce the risk of pollutants entering groundwater; and
 - Integrate SuDS into public open spaces where possible designing with place-making and biodiversity in mind.
- 11.83 Therefore, the surface water drainage and strategy would be developed in accordance with hierarchy of sustainable surface water disposal. The infiltration SUDs which will result Greenfield runoff volumes from the Site are very low and the use of SUDs is stated will reduce post development rates to acceptable levels.

- 11.84 The FRA highlights that Anglia Water foul sewer is located to the north of the site along London Road. There are no records of Great Chesterford properties in the utilities sewer flooding register.
- 11.85 There are no ordinary watercourses or other natural waterbodies and reservoirs, canals or artificial sources on or in proximity to the site and there is no flood risk from these sources.
- 11.86 No objection has been raised by ECC SUDs subject to conditions. The development is therefore considered to be in accordance with Policy GEN3 of the adopted Local Plan also in accordance with Draft emerging Policy EN10 and EN11 which seeks sustainably designed schemes by reducing the risk of flooding on and off site.

H Archaeology:

- 11.87 Local Plan Policy ENV4 seeks the protection of archaeological remains. This is also reflected in emerging draft Policy EN5.
- 11.88 An Archaeological Desk based assessment and survey work has been submitted as part of the application. A series of work which has been undertaken has concluded the following;
- 11.89 *“Great Chesterford is an archaeological sensitive and enriched area and the site lies south of a Roman small town. As a result an Archaeological Assessment has been undertaken and submitted as part of the application. There is a designated heritage assets in the vicinity of the site which includes the Scheduled Monument of ‘Moated site, fishpond and enclosure at Bordeaux Farms’ (to the south), the Great Chesterford Conservation Area and the Grade II Listed ‘Main building to Great Chesterford Railway Station’ (both to the north). It is considered that due to intervening residential built form, topographical variations and mature vegetation the proposed development will not alter any important elements of the setting of these designated heritage assets and their significance will consequently remain unharmed. It is noted that this aligns with the conclusion of UDC’s Historic Settlement Character Assessment in relation to Great Chesterford which stated that ‘Development on Sector 4 land [which relates to the Site] would not impact on the historic core to any significant degree because the latter is largely shielded from view by modern edge of village development and tree cover’.”* There is identified likely Romano-British graves on site of which a trial trenching evaluation is proposed. However, the Assessment failed to identify any important archaeological features.
- 11.90 ECC Archaeology has raised no objection to the works subject to conditions. This is therefore in accordance with Local Plan Policy ENV4 and the NPPF.

I Infrastructure provision to support the development

- 11.91 Local Plan Policy GEN6 states that *“Development will not be permitted unless it makes provision at the appropriate time for the community facilities, school capacity, public services, transport provision, drainage and other infrastructure that are made necessary by the proposed development. In localities where the cumulative impact of the developments necessitates such provision, developers may be required to contribute to the cost of such provision by the relevant statutory authority.”*

Open space

- 11.92 The details relating to public open space and woodland proposed as part of the development is a reserved matter however it is clear that such would be provided as

part of the proposed development. This would need to be transferred to the Parish Council or management company or other body such as the Woodland Trust, together with any associated maintenance fees.

- 11.93 *Also, policies LC2-LC4 are considered to be relevant in terms of community facilities and recreation facilities.*
- 11.94 *Policy LC2 - Access to Leisure and Cultural Facilities
Development proposals for sports facilities, arts and leisure buildings, hotel and tourist facilities, will be required to provide inclusive access to all sections of the community, regardless of disability, age or gender.*
- 11.95 *Policy LC3 - Community Facilities
Community facilities will be permitted on a site outside settlements if all the following criteria are met:
a) The need for the facility can be demonstrated;
b) The need cannot be met on a site within the boundaries;
c) The site is well related to a settlement.*
- 11.96 *Policy LC4 - Provision of Outdoor Sport and Recreational Facilities Beyond
Development limits
The following developments will be permitted:
a) Outdoor sports and recreational facilities, including associated buildings such as changing rooms and club-houses;
b) Suitable recreational after use of mineral workings.*
- 11.97 *In terms of the draft local plan this states "8.12 New residential development will need to provide formal and informal play space and sports facilities which meet open space standards and sports facilities (Indoor and outdoor) as set out in the Sports Strategy. All provision needs to be in an accessible location to the users."*
- 11.98 *Policy INF2 states amongst other things "...Uttlesford District Council has, working with Sport England, commissioned a Sports Strategy. Development proposals will take into account the findings of this study and provide new sports facilities in line with the recommendations from this study. Where the Sports Strategy identifies a community need which can be met through existing school and college sports facilities, this will be encouraged. In accordance with the most up to date Sport Strategy new development will be required to make appropriate on-site provision or financial contributions to off-site provision of indoor and outdoor sports facilities. Unless specified in the relevant site allocation policy, publicly accessible open space or improvement to existing accessible open space provision will be in accordance with the following standards. Financial support for the continued maintenance of the facility will be secured by planning obligation."*
- 11.99 *In terms of open space provision the draft plans outlines the following;*

Open Space Requirements			
Type of Provision	Level of Provision (Square metres per person)	Threshold for On-Site Provision	Threshold for Off-Site Provision
Amenity Greenspace	10	All development of 10 dwellings or over	All developments under 10 dwellings and development of 10 dwellings or over where on-site provision is not possible
Provision for children and young people (LAPS, LEAPS and NEAPS)	2	All development of 10 dwellings or over	All development under 10 dwellings and development of 10 dwellings or over where on-site provision is not possible
Allotments	2	All development of 10 dwellings or over	All development under 10 dwellings and where on-site provision is not possible.

- 11.100 No doubt should planning permission be granted the reserved matters would identify land for open spaces, LEAPs and LAPs which would address the above draft policy.
- 11.101 The draft local plan states “*The provision of open space, sports facilities and playing pitches should be considered in consultation with the local community.*” This is also reflected in the adopted local plan.
- 11.102 There is no current policy for sports provision, even though the above is the direction of travel for the draft local plan it has little weight.

Highways

- 11.103 Whilst the highway implication have been discussed above in Section E in terms of mitigating the proposed development, the following proposed works and contributions are proposed;
- a) Cycle Parking: Payment of £20,000 to provide additional secured covered cycle parking at Great Chesterford Station.

Reason: to accommodate additional cyclists from the site using the station and encourage alternative use of the car in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
 - b) In addition the cycle/footway of minimum width 3m shall be extended on the south west side of London Road to link into station approach.
 - c) Within 6 months of final occupation of the development, a speed management review shall be undertaken on London Road, including but not limited to, a speed survey and analysis of results in consultation with the highway authority. If in the view of the highway authority the results demonstrate that the relocation or change of the speed limit is required, then within 6 months of written notice being provided by the highway authority, the speed limit relocation process shall be undertaken and, if consultations are favourable, this shall include implementation of all necessary signing, road markings and Traffic Management Orders as required, all entirely at the expense of the developer.

Reason: In the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Affordable Housing

- 11.104 40% affordable housing would be provided in accordance with Local Plan Policy H9. 5% wheelchair accessible housing would be sought in the form of bungalows. This would accord with the emerging Draft Policy H6.

Education

- 11.105 A payment of an education contribution relating to the number of school places generated by the application will be paid.
- A developer contribution of £119,166.48, index linked to April 2018, is sought to mitigate its impact on local EY&C provision.
 - A developer contribution of £352,852.80, index linked to April 2018, is sought to mitigate its impact on local secondary school provision.

This will address the education capacity issues that have been raised.

- 11.106 In view of the above, it is evident that the necessary infrastructure can be provided to meet the needs of the development, in accordance with Policy GEN6 of the Local Plan.

J Other material considerations

- 11.107 The Policies Map appears to show the site is within a Minerals Safeguarding Area (MSA) for chalk. Policy S8 Safeguarding mineral resources and mineral reserves therefore applies. Policy S8 stipulates that the Minerals Planning Authority shall be consulted on all planning applications for development on a site located within an MSA that is 3ha or more for chalk. Non-mineral proposals that exceed these thresholds shall be supported by a minerals resource assessment to establish the existence or otherwise of a mineral resource of economic importance. Proposals which would unnecessarily sterilise mineral resources shall be opposed.
- 11.108 A Minerals Resource Assessment (MRA) has been submitted. The MRA concludes that prior mineral excavation at the Site is unlikely to be necessary or feasible for a number of reasons (as set out in the MRA). As such, it is considered that non-minerals development would not cause unacceptable sterilisation of a proven mineral resource within a MSA. It is stated within the assessment that;
- The site is not currently a permitted site or identified within the Minerals Local Plan.
 - There is no current or predicated future demand for chalk extraction from new sites within Essex.
 - The rubbly chalk located over 30m below surface therefore too deep for prior extraction at the site due to small footprint of the site and operational constraints
 - Cost of works would be unviable

- The buffer required for mitigation of sensitive properties would be far greater than the site itself
 - The extraction of small quantities would be contrary to hierarchy policy of reducing the need for mineral use and recycling.
- 11.109 ECC Minerals and Waste team have raised no object to the proposed development or the details contained within the MRA. The Proposed Development is therefore considered to be acceptable in line with Policy S8 of the Essex Minerals Local Plan.
- 11.110 Draft Policy EN12 and EN14 seek the prevention of water contamination. Draft Policy EN16 seeks for Risk Assessments to be undertaken and submitted as part of applications and then should planning permission be granted the sites remediated to reduce the potential of the risk of pollution of controlled waters including ground water.
- 11.111 Section 15 of the NPPF seeks the protection and enhancement of the natural and local environment. It seeks the prevention of pollution of the water environment and the remediation and mitigation of contaminated land.
- 11.112 A Phase 1 Environmental Site Assessment has been submitted with the application. Due to the historical nature of the site there is low risk of contamination and low risk to human health and the environment. No objection has been raised by Environmental Health in this respect subject to condition. This is in accordance with policy.

12. CONCLUSION

- 12.1 The Draft Local Plan is still at an early stage and has limited weight. At the present time the adopted Local Plan policies are still in force. However, the National Planning Policy Framework (NPPF) is a material planning consideration and this has a strong presumption in favour of sustainable development. The applicants have argued that Uttlesford cannot demonstrate an adequate 5 year supply of housing land. The Council recognises that it has a shortfall, and that it should consider favourably applications for sustainable residential development which will make a positive contribution towards meeting housing need. There is a shortfall of dwellings and as a result the Council remains without a deliverable 5 year land supply. It is important that the Council considers appropriate sites.
- 12.2 The proposed development will provide an economic, social and environmental role. The application site and proposal is sustainable and the scheme will further increase its level of sustainability, particularly through proposed highway improvements.
- 12.3 There is not considered to be sufficient lower grade agricultural land available that sustainably relates to the existing settlements, regardless of draft allocated sites. Therefore, the application accords with Local Plan Policy ENV5.
- 12.4 Whilst the design, including housing mix is a reserved matter the development is capable of meeting Essex Design Guide standards, being compatible with its surroundings, providing ample playspaces, meeting Secure by Design, Part M of the Building Regulations. Issues surrounding amenity are capable of being designed out and mitigated. It is therefore in accordance with Local Plan Policy GEN2.
- 12.5 The submitted Transport Assessment demonstrates that the proposed development together with proposed highway works can be delivered without any adverse impact

upon local highway conditions or road safety. No objection has been raised by the Highways Authority subject to conditions and appropriate highway works.

- 12.6 Adequate parking provision is capable of being provided on site in accordance with adopted parking standards, Local Plan Policy GEN8, Local Residential Parking Standards (adopted February 2013) and Draft Local Plan Policy TA3.
- 12.7 The scheme has been supported by a Landscape Visual Impact Assessment that demonstrates that the development would not give rise to unacceptable visual impact.
- 12.8 The adjacent TPO trees to the north will be retained. As part of the proposed development new planting is proposed including a significant woodland which will significantly enhance the buffer planting and improve biodiversity and provide an enhanced wildlife corridor. The proposed development would be an extension of the existing built form and could be designed to be assimilated into the wider environment. The ground levels are likely to change as a result of the proposed development, of which this is a reserved matter. There would be limited impact upon the existing trees. Therefore no objection has been raised by the Landscape Officer subject to conditions. The scheme is therefore considered to accord with Local Plan Policies S7, GEN2, GEN7, ENV3 and ENV8, also the NPPF.
- 12.9 The proposal would provide 40% affordable housing with 5% provision of wheelchair accessible units in accordance with policy. In terms of local infrastructure the proposed development would contribute towards education provision. Open space for recreation purposes is proposed to be offered this would be supported with a financial contribution towards maintenance, also highway works. This is in accordance with Local Plan Policy GEN6 of the Local Plan.
- 12.10 The ecological assessment submitted as part of the application concluded that the site is of low ecological value the proposed development would provide enhancements through SUDs features, strengthened and enhanced landscaping. No objection has been raised by ECC Ecology, and Natural England subject to conditions and carrying the mitigation measures identified within the submitted ecological report. The scheme is therefore in accordance with Policy GEN7 of the adopted Local Plan, also Draft Local Plan Policy EN7.
- 12.11 The application site is located in Flood Risk Zone 1 and has a low probability of the risk of flooding. The scheme would incorporate sustainable drainage systems, which will be subject to reserved matters and conditions should planning permission be granted. No objection has been raised by ECC SUDs subject to conditions. The scheme therefore accords with Local Plan Policy GEN3 of the adopted Local Plan and Policy EN10 of the Draft Local Plan.
- 12.12 No objection has been raised regarding contamination, minerals or archaeology subject to condition should planning permission be granted. This is considered to accord with Local Plan Policies ENV14, ENV12 and ENV4 and the NPPF, also Policies EN12, EN14 and EN16 of the Draft Local Plan, Policy S8 of the Essex Minerals Local Plan.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION

(I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 30

March 2020 the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Finance, in which case he shall be authorised to conclude such an obligation to secure the following:

- (i) Highway Works**
- (ii) Education Contribution**
- (iii) 40% Affordable Housing & 5% to be wheelchair accessible**
- (iv) Provision of Open Space and woodland**
- (v) Contribution towards the maintenance of open space for 5 years if the land is to be maintained by Parish Council/Management Company or other body such as the Woodland Trust**
- (vi) Pay Councils reasonable costs**
- (vii) Pay monitoring costs**

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

(III) If the freehold owner shall fail to enter into such an obligation, the Assistant Director Planning shall be authorised to refuse permission in his discretion at any time thereafter for the following reason:

- (i) Highway works**
- (ii) Education Contribution**
- (iii) Affordable Housing & 5% to be wheelchair accessible**
- (iv) Provision of Open Space and woodland**
- (v) Contribution towards the maintenance of open space and woodland**

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

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

2. (A) 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.

(B) 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 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Prior to the erection of any individual building or individual phase hereby approved samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

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

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

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

5. Prior to the development of any individual building or individual phase hereby approved a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment(s) shall be completed before the use hereby permitted individual building or individual phase is commenced. Development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the site and area in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

6. If within a period of 5 years from the date of planting the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

REASON: To ensure the suitable provision of landscaping within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

7. No fixed lighting shall be installed until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of the height of the lighting posts, intensity of the lights specified in Lux levels), spread of light including approximate spillage to the rear of the lighting posts or disturbance through glare. The development shall be carried out in accordance with the approved details.

REASON: To protect the amenity of neighbouring residents, in accordance with Policy GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

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

REASON: To ensure that appropriate parking is provided in the interests of highway safety and efficiency in accordance with policy DM8 of the Development

Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN8 of the Uttlesford Local Plan (adopted 2005).

9. 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.

10. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (BSG Ecology December 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes avoidance of excessive light spill onto the northern boundary, clearance of vegetation and arable field outside of the bird breeding season or a pre-check undertaken, retention of grass margins where possible, and pre-cautionary measures undertaken on areas where machinery will be tracked (for reptiles), a pre-construction check for signs of badger, enhancements of new native hedgerow planting around the site boundaries, installation of hibernacula for reptile trees or new buildings, and creation of two to three small hibernacula/log piles for wildlife around the site boundaries.

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). This is also in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

11. A 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;

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

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed

and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and S40 of the NERC Act 2006 (priority Habitats and Species). This is also in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

12. All dwellings with garages/car ports shall be provided with vehicle electric charging points. 20% of parking bays shall be provided with EV charging points, with additional 40% having capacity for future conversion. All points shall be fully wired and connected, ready to use before first occupation of the site and retained thereafter.

REASON: This will facilitate sustainable modes of transport in accordance with the National Planning Policy Framework (para35) that 'Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to [...] incorporate facilities for charging plug-in and other ultra-low emission vehicles'. This is in accordance with Policies GEN1 and ENV13 of the Uttlesford Local Plan (adopted 2005).

13. In the event that contamination is found at any time when carrying out the approved development, it must be reported immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An Investigation and risk assessment to assess the nature and extent of the contamination must be completed and submitted to and approved in writing by the Local Planning Authority. If identified as being necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health and other relevant receptors must be 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). Remediation of the site shall be carried out in accordance with the approved scheme. Within 3 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 the Local Planning Authority.

REASON: To ensure that the proposed development does not cause harm to human health or pollution of controlled waters and that the development complies with approved details in the interests of controlled waters, in accordance with Policy ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

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

REASON: The Historic Environment Record and the documents submitted with the planning application indicates that the proposed development lies within a potentially sensitive area of heritage assets. The development site lies on the edge of the Roman town of Great Chesterford immediately to the east of the known Roman cemetery (EHER 4949). An area of cropmarks located to the north

of the development area forms a sequence of enclosures on the southern side of the river (EHER 4866). This occupation may spread across London Road into the development area. The archaeological work would comprise initial trial trenching to identify the extent and depth of archaeological deposits followed by a programme of 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. This is in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

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

REASON: The Historic Environment Record and the documents submitted with the planning application indicates that the proposed development lies within a potentially sensitive area of heritage assets. The development site lies on the edge of the Roman town of Great Chesterford immediately to the east of the known Roman cemetery (EHER 4949). An area of cropmarks located to the north of the development area forms a sequence of enclosures on the southern side of the river (EHER 4866). This occupation may spread across London Road into the development area. The archaeological work would comprise initial trial trenching to identify the extent and depth of archaeological deposits followed by a programme of 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. This is in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

16. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

REASON: The Historic Environment Record and the documents submitted with the planning application indicates that the proposed development lies within a potentially sensitive area of heritage assets. The development site lies on the edge of the Roman town of Great Chesterford immediately to the east of the known Roman cemetery (EHER 4949). An area of cropmarks located to the north of the development area forms a sequence of enclosures on the southern side of the river (EHER 4866). This occupation may spread across London Road into the development area. The archaeological work would comprise initial trial trenching to identify the extent and depth of archaeological deposits followed by a programme of 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. This is in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

17. The developer shall 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 and the documents submitted with the planning application indicates that the proposed development lies within a potentially sensitive area of heritage assets. The development site lies on the edge of the Roman town of Great Chesterford immediately to the east of the known Roman cemetery (EHER 4949). An area of cropmarks located to the north of the development area forms a sequence of enclosures on the southern side of the river (EHER 4866). This occupation may spread across London Road into the development area. The archaeological work would comprise initial trial trenching to identify the extent and depth of archaeological deposits followed by a programme of 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. This is in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

18. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- 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.
 - The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm, which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site. This is in accordance with Policy GEN3 of the Uttlesford Local Plan and the NPPF.

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

REASON: The National Planning Policy Framework paragraph 103 and paragraph 109 state that local planning authorities should ensure development does not

increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed. This is in accordance with Policy GEN3 of the Uttlesford Local Plan and the NPPF.

20. No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site. This is in accordance with Policy GEN3 of the Uttlesford Local Plan and the NPPF.

21. 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. This is in accordance with Policy GEN3 of the Uttlesford Local Plan and the NPPF.

22. 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 cleaning facilities
- v. The control of noise from construction including the hours of working
- vi. Measures to control the emission of dust and other air pollution during construction

REASON: To ensure the protection of local amenity, 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, the bus services can operate and Policy DM 1 of the Highway Authority's Development Management Policies February 2011. This is also in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

23. Prior to first occupation of the proposed development, the access provision as shown on submitted drawing 03656-TR-003-P2 shall be provided, including a clear to ground visibility splays with dimensions of 2.4 metres by 160 metres in both directions, as measured from and along the nearside edge of the carriageway. The vehicular visibility splays shall retained free of any obstruction at all times thereafter.

REASON: To ensure 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. This is also in accordance with Policies GEN1 of the Uttlesford Local Plan (adopted 2005).

24. Prior to first occupation provision of the highway layout submitted drawing 03656-TR-003-P2 shall be provided, **in addition** the cycle/footway of minimum width 3m shall be extended on the south west side of London Road to link into station approach. For the avoidance of doubt such cycleway to include full depth construction/reconstruction of any existing footway and surfacing of the entire width of the cycleway to the satisfaction of the Local Planning Authority.

REASON: To provide accessibility for cyclists between the site and the station in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011. This is also in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

25. A further noise monitoring including a minimum of a 3-day noise survey shall be undertaken and submitted to the Local Planning Authority prior to any reserved matters application to fully assess the noise environment in this location.

The glazing and ventilation specification of the dwellings shall be designed to achieve the following environmental noise limits internally:

Bedrooms (23.00-07.00 hrs) 30 dB LAeq and 45 dB LMax.
Living Rooms (07.00-23.00 hrs) 35 dB LAeq

External amenity areas shall be screened against road traffic noise where necessary to achieve LAeq16h not exceeding 55dB in at least part of each garden, and where practicable not exceeding 50dB.

Vibration isolation shall be installed to achieve
Daytime 0.2 m/s-1.75 VDVb/d, 16 hour
Night-time 0.1 m/s-1.75 VDVb/d, 8 hour
Reradiated noise within residential dwelling 40 dB LMax(slow).

Thereafter the development shall be implemented in accordance with the approved details.

REASON: To protect the residential amenity of future occupiers of the proposed development from excessive environmental noise and vibration, in accordance with Policy GEN4 of the Uttlesford Local Plan (adopted 2005).

Agenda Item 10

UTT/19/2355/DFO (SAFFRON WALDEN)

(Major)

PROPOSAL:	Approval of Reserved Matters following outline application UTT/18/0824/OP details of layout, scale, landscaping and appearance relating to the development of the site to provide 150 residential dwellings (Use Class C3) and associated infrastructure works.
LOCATION:	Land East of Thaxted Road Saffron Walden
APPLICANT:	Bellway Homes (Essex)
AGENT:	Savills
EXPIRY DATE:	30.12.2019 (extension of time)
CASE OFFICER:	Maria Shoemith

1. NOTATION

- 1.1 Outside Development Limits (small section within Developments Limits Policy SW5), Airport Safeguard Zone, Public Rights of Way

2. DESCRIPTION OF SITE

- 2.1 The application site is located east of Thaxted Road on the south eastern edge of the market town.
- 2.2 The site is of arable fields and lies within the rolling landscape of the River Cam/Granta. The M11 is to the west of the town and 5km from Audley End Station. It is adjacent to residential dwellings to the north and northwest, Lord Butler Leisure Centre and the skate park is located to the west, Shire Hill Farm northeast and the Kilns and Granite site, also Brick Kiln Lee Farm is located to the southeast of the site.
- 2.3 The character of the area surrounding the application site changes from one which is of an urban nature, to countryside, to one that is commercial/industrial.
- 2.4 The application site comprises an area of 7.9ha (19.6acres).
- 2.5 The northern parcel of land's highest ground level runs along the northern and eastern boundary (93.7m AOD) with the land sloping towards Thaxted Road to the south (reducing to 74.2m AOD). There is a water course that runs east to west across the site.
- 2.6 There are footpaths, bridleway and byway that either run along the perimeter of the site or through the site.

3. PROPOSAL

- 3.1 The application is for reserved matters following the granting of outline planning permission for the development of up to 150 dwellings (Use Class C3) with all

matters reserved except access (UTT/18/0824/OP). The report for this is attached to **Appendix A**.

- 3.2 This application provides details of layout, scale, landscaping and appearance, with associated infrastructure works.
- 3.3 Details relating to the housing types and tenure mix, details of new areas of public recreational and open space, LEAP, including network of public footpaths, cycle routes linking to the existing network and surrounding countryside.
- 3.4 The scheme would provide 40% affordable housing with a mixture of tenure, both rent and shared equity. 5% bungalows will be provided across all tenures.
- 3.5 A breakdown of the housing units in terms of tenure, parking and private amenity space provision is attached to the end of the report in **Appendix C**.

The application includes the discharge of conditions relating to materials (condition 5 of UTT/18/0824/OP).

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 Town and Country Planning (Environmental Assessment): The proposal is not a Schedule 1 development, exceeds the threshold criteria of Schedule 2, however the application has been screened and an Environmental Assessment is not required.
- 4.2 Human Rights Act considerations: There may be implications under Article 1 and Article 8 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

5. APPLICANT'S CASE

- 5.1 The following documents have been submitted in support of the application;
 - Design And Access Statement
 - Ecological Appraisal
 - Planning Statement
 - Transport Assessment Addendum

Drawing;

- BW216 PL01 Location Plan
- PR162-01 G - Revised Landscape Framework Plan
- 192311-006 A - Site Layout Swept Paths
- 192311-007 A - Site Layout Visibility Plan
- BW216 PL-02 B - Revised Development Layout
- BW216 PL-03 C - Revised Boundary Treatment Plan
- BW216 PL-03a Rev 00 – Additional Boundary Treatments
- BW216 PL-04 B - Revised Private Amenity Space Plan
- BW216 PL-05 B - Revised Parking Plan
- BW216 PL-06 B - Revised Colour Of Materials Layout
- BW216 PL-07 C - Revised Refuse Strategy
- BW216 PL-08 B - Revised Affordable Housing Location Plan
- BW216 PL-EN-01 A - Revised Proposed Development Entrance

- BW216 ST-01 B - Revised Street Elevations A,B And C
- BW216 ST-02 B - Revised Street Elevations D,E And F
- BW216-HT-JE-02 A - Revised Plots 1,28,32,58,60,63,78,86,94 &99 Elevations
- BW216-HT-JE-04 A - Revised Plots 29,46,82,108 Elevations
- PR162-02 B - Revised Lap/Leap Children's Play Area
- 192311-001 - Finished Floor Level Strategy
- 192311-002 - Retaining Walls Plan
- BW203-HA-050-01 - Plots 118,119,120,121 - Ha 50
- BW203-HT-BM-01 - Plots 4, 15,21,26,38,41,51,54,89,132,140 & 150
- BW203-HT-BU-01 - Plots 109 - 112 Bungalow
- BW203-HT-CN-01 - Plots 33,34,36,37,55,56,87,88 Coiner
- BW203-HT-CN-02 - Plots 136, 137 Coiner
- BW203-HT-CS-01 - Plots 3,124, 131 Coppersmith
- BW203-HT-CT-01 - Plots 105,128 Cartographer
- BW203-HT-HI-01 - Plots 2, 14,18,20,52,53,92,93,133,134,135 & 138 Hillard
- BW203-HT-JE-01 - Plots 1,28,32,58,60,63,78,86,94,99 Floor Plans Jeweller SP1 M4(2)
- BW203-HT-JE-03 - Plots 29,46,82,108 Floor Plans Jeweller
- BW203-HT-PL-01 - Plot 22 Ploughwright (Country Brick)
- BW203-HT-QU1-01 - Plots 106,107,139,141, 142 Quilter Sp1(Country Brick)
- BW203-HT-RE-01 - Plots 30,39,45,62,84,91 Reedmaker (Country Brick)
- BW203-HT-RE-02 - Plots 5,16,17,31,35, 39 Reedmaker (Country Weatherboarding)
- BW216-GR-01 - Garage SG1& SG2
- BW216-GR-02 - Garage SG3 &SG4
- BW216-GR-03 - Sales Garage SG5
- BW216-HA-BA-01 Rev A - Plots 12,64,65,68,69,72,73,75,100,101,115-117, 122, 125, 126, 129, 130, 143, 144, 147-149 Baker
- BW216-HA-BA-02 Rev A - Plots 70,71,114,145,146 Baker (Ba A) (Country Weatherboarding)
- BW216-HA-BA-03 Rev A - Plots 13 And 74 Baker (Ba B) (Country Brick)
- BW216-HT-TI-01 Rev A - Plots 6-11, 23-25, 66,67,102,103,123 & 127 Tillman (Tib) (Country Brick)
- BW216-HA-TI-02 Rev A - Plots 76,77 And 113 Tillman (Tia) (Country Weatherboarding)
- BW216-HA-TI-03 Rev A - Plot 104 Tillman (Tib) (Country Brick)
- BW216-HT-LU-01 Rev A - Plots 19,40, 43,44,47,48,50,57,80, 81, 83, 85, & 96 Luthier (Brick)
- BW216-HT-LU-02 Rev A - Plots 27,42,59,61,79,90,95,97,98 Luthier (Country Boarding)
- BW216-PL-SE-01 - Section A-A
- BW216-PL-SE-02 - Section B-B
- BW216-PL-SE-03 - Section C-C
- BW216-SUB-01 - Electric Sub Station
- PR162 - Planting Palette
- PR162-03 A Precedent Images 1 (concrete wall surface, timber knee rail and metal railings)
- PR162-04 - Tree Pit Details And Service Trench Root Barrier Details

6. RELEVANT SITE HISTORY

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

UTT/13/2060/OP - Outline application with all matters reserved except access for residential development of up to 300 dwellings, pavilion building, extension to skate park and provision of land for open space/recreation use, including an option for a new primary school on a 2.4 ha site – Refused 02 May 2014, dismissed at appeal

- 6.2 UTT/18/0824/OP - Outline planning application for the development of up to 150 dwellings (Use Class C3) with all matters reserved except access – Granted Planning permission April 2019

7. POLICIES

Uttlesford Local Plan (2005)

- GEN1 Access
- GEN2 Design
- GEN3 Flood Risk
- GEN4 Good Neighbourliness
- GEN5 Light Pollution
- GEN7 Nature Conservation
- GEN8 Vehicle Parking Standards
- ENV15 Renewable Energy
- H9 Affordable Housing
- H10 Housing Mix

Supplementary Planning Documents/Guidance Essex Parking Standards (2009)

National Policies

- National Planning Policy Framework

8. SAFFRON WALDEN TOWN COUNCIL COMMENTS

- 8.1 Please see **Appendix B**

9. CONSULTATIONS

Cadent Gas

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

Anglian Water

- 9.2 The reserved matters application is not foul drainage related, therefore this is outside our jurisdiction for comment.

UK Power Networks

- 9.3 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.

UDC Housing Officer

- 9.4 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 150 (net) units. This amounts to 60 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 Councils' 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 bedroom units. This would amount to 4 bungalows delivered as affordable units.

The scheme presented by the developer is given below. This mix and the locations are acceptable. 30% of these homes should be for shared ownership. Further information is welcomed.

1 Bed Maisonettes	2 Bed House	2 Bed Bungalows	3 Bed House	4 Bed House
4	30	4	20	2

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.

ECC SUDS

- 9.5 Having reviewed the documents which accompanied the planning application, we do not object to the granting of the planning permission ref UTT/19/2355/DFO. The reserve matter application does not directly relate to drainage and therefore the application should be subject to the same conditions applied to the outline application (UTT/18/0824/OP).

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the Drainage strategies and the documents submitted with this application are implemented as approved.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

ECC Archaeology

- 9.6 No objection subject to Archaeological Programme of Trial Trenching followed by Open Area Excavation condition.

Aerodrome Safeguarding

- 9.7 No objection

Crime Prevention Officer

- 9.8 We note that the boundaries between the gardens consist of 1.2m chain link fence, it should be noted that should entry be gained to one property within a block

then all of these properties will have a greater risk of crime. We also note that the play area has a number of trees surrounding it, care should be taken choosing the species and the maintenance plan to ensure that these do not restrict the natural surveillance it. NB the landscape advice within Secured by Design Homes 2019 has been edited by the RHS. 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.

Further comments dated 21.11.2019

With reference to our earlier comment, unfortunately the viewing of the revised documents does not provide clarity of detail of any of the changes. It would appear that some boundary fences have been changed but some of the plots still retain a 1.2m chain link fences between them. Landscape species detail is not clear and as such our comments remain for consideration, and we would still like the developer to consult with us with a view to obtaining a Secured by Design award in respect of this development.

Environment Agency

- 9.9 Whilst we have no objection to this application, we do wish to advise the applicant on permitting. Please note that we are not commenting on this application with regards to flood risk as the proposal falls under our Local Flood Risk Stranding Advice.

Essex Highways

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

ECC Ecology

- 9.11 No objection subject to securing biodiversity mitigation and enhancement measures

Environmental Health

- 9.12 Condition 13 of UTT/18/0824/OP requires 20% of parking bays to be provided with electric vehicle charge points, a further 40% to have capacity for conversion. I am unable to identify the points on the submitted plans, however provision is confirmed by the Planning Statement submitted with UTT/19/2355/DFO. The shared 3m foot/cycle path along Thaxted Road at the point of the proposed access appears to be continued alongside the spine road, but on estate roads the width is reduced. In this respect, the provision of paths for pedestrians and cyclists within the development is insufficient to encourage non car travel. A dedicated cycle path would encourage more use, and would provide a safer route through the development by avoiding cyclists combining with powered vehicles.

The LEAP is shown positioned adjacent the spine road to the south. Emissions from road traffic will impact on users of the facility, many of whom will be young and more prone to the harmful effects. National objective levels for air pollutants are unlikely to be breached at the facility, but the proposed location does not meet best practice in minimizing exposure to emissions.

UDC Landscaping

- 9.13 The submitted landscape framework plan (Dwg. No. PR162-01 Rev F) makes provision for the planting of nearly 200 trees of predominantly native species, and a kilometre of mixed native species hedgerows consisting of some 5,000 hedging plants, together with a broadly similar length of native hornbeam hedges.

The tree planting associated with the proposed swales is characterised by a mixture of traditional osiers, goat willow, and alder. This proposed wetland plantation planting would provide a level of visual separation and screening between the proposed development and the existing 'Kilns' residential development immediately south of the proposal site. Native hedge and tree planting adjacent to the north edge of the site will provide a level of screening and softening of the built forms from existing residential properties to the north of the site.

A circular site perimeter footpath is proposed through a linear open space to be seeded with native wild flower and grass mixture. The footpath links to the equipped play area (LEAP) situated in the south of the site.

Recommend that a fully detailed landscaping scheme is submitted for approval.

10. REPRESENTATIONS

- 10.1 The application has been advertised on site and within the local press. Neighbouring residential occupiers have also been consulted of the application. As a result the following points have been raised:

1. Loss of light and privacy in garden/home;
2. Safety risk to family, children, pets and neighbours using public footpath;
3. Noise and disruption;
4. Significant increase in traffic and pollution along Thaxted road;
5. flooding and drainage;
6. link road seems to have been left off plan;
7. reduced quality of life;
8. Cumulative development impact upon infrastructure;
9. Kier development included 25m open space between public footpath and the edge of the new development;
10. No provision of a community hub that would service the development therefore no social cohesion;
11. Loss of hedges and habitat;
12. Link road would have impact on wildlife;
13. Extension of 24 Eastby Close not shown;
14. Loss of privacy and overlooking of garden;
15. Securing affordable housing;
16. Wellbeing;
17. Loss of agricultural field;
18. Advised 22 years ago the field would not be built on;
19. parking of plots 58 & 59 impact on garden;

- 20. development should be at Friends School on a Brownfield site not here;
- 21. less open space;
- 22. less drainage and landscaping;
- 23. overshadowing;
- 24. overlooking created by plot 42-44;

Privacy: 3 of the new houses front elevation being built opposite our side elevation. Our side elevation has 4 main windows facing the field (the proposed development site). Their windows looking into our windows.

Privacy: Windows of house numbers 42 - 44 overlooking our garden. As they face our property and look down into our rear garden plot, not letting us enjoy our privacy. We are lower than the proposed houses.

Privacy: Windows of Plot 42 looking into our front bedroom windows (the children's bedrooms)

25. Adequacy of parking/loading/turning areas including access - the cars parking and turning in the proposed road / drive area that will run parallel to our rear garden will be emitting pollution into my rear garden.

26. odour;

27. more traffic from future development marked as 'future' on the plans

28. impact of development upon dog walkers using Public footpath;

29. No affordable housing for locals

11. APPRAISAL

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

- A Design**
- B Mix of Housing and Affordable Housing**
- C Road Design and Car parking**
- D Landscape Impact and Biodiversity**
- E Flood Risk and Drainage**
- F Other Considerations**

A Design

- 11.1 A number of the points raised by third parties in Section 10 have been discussed and approved at outline stage. The principle of the development has been approved and this application relates to purely the details of the proposed development in so far that they relate to layout, scale, landscaping and appearance.
- 11.2 With regards to the proposed design of the scheme the NPPF; also Local Plan Policy GEN2 seeks for quality design, ensuring that development is compatible in scale, form, layout, appearance and materials. The policies aim to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole seeking high quality design.
- 11.3 As to whether the scheme would be compatible with the character of the settlement area and countryside, the scheme would see the development of countryside, an open area of field, which has been principally agreed. A scheme has been designed providing of various open spaces. It maintains and creates footpaths and a landscaping buffer which in turn provides a low density

development. The density of the proposed development would be well below of that reflected in national policy and the Essex Design Guide at 19 dph across the whole site and 30.6dph across the developable site area of 4.9ha, which is compatible with the surrounding area.

- 11.4 A mixture of 1, 2, 3 and 4 bedroom dwellings have been proposed in the form of bungalows, houses and maisonettes. The dwellings would be solely 2 storeys with focal buildings provided within certain areas. The buildings would vary in height from 7.7m-9m, and the bungalows would be 5.4m in height. The heights of the proposed dwellings would respect the changing ground levels of the site and be similar to the estate to the north. The design of the dwellings would be in keeping with other developments in the local area.
- 11.5 The design of the houses take account of surrounding area vernacular and the choice of materials proposed in terms of brick and weatherboarding which is considered to be acceptable.
- 11.6 The main spine road through the site would be to Outline Planning Permission standards of 6.75m in width with the provision of 3m wide shared footway and cycle path and 2m footpath to the other side of the road.
- 11.7 There is a retaining wall to the entrance of the site which would be up to 3m in height and constructed from texturised concrete, used elsewhere in Saffron Walden, which would be fronted by a hedge.
- 11.8 The Locally Equipped Area of Play would be to the south of the site where the site is at its flattest as highlighted within the Illustrative Master Plan. The Essex Design Guide (2005) recommends 50 square metres for up to 2 bedroom units and 100 square metres of garden space for 3 plus bedroom dwellings. All the dwellings meet or exceed this in accordance with EDG. This is highlighted in **Appendix C**.
- 11.9 Natural surveillance through the design of the scheme is proposed together with public and private areas clearly demarcated. These minimise opportunities for anti-social behaviour. Comments from the Crime Prevention Officer have been taken on board and the plans have been amended regarding boundary treatments. This is in therefore accordance with designing out crime principles and Policy GEN2 of the Uttlesford Local Plan.
- 11.10 There would be no overlooking as the dwellings have been sited respecting the required back to back distances of 25m as recommended within the Essex Design Guide, with only two dwellings falling marginally below this at 22m (Plots 104 to 97) however, due to the angled relationship of the two properties is considered acceptable.
- 11.11 The boundary to the north is considered the most sensitive in terms of residential dwellings being adjacent to the shared boundary. The developments layout relationship with the dwellings located on Linton Close, Eastby Close and Rylstone Way is acceptable. Objections have been raised with regards to loss of privacy, and overlooking, this is not consider to cause an unacceptable loss of residential amenity.
- 11.12 The existing public footpath has been retained along the perimeter of the proposed development and with the planting of trees would interrupt any form of direct views.

- 11.13 The proposed boundary treatments would be a mixture of 1.8m high brick wall, close boarded fence, hit and miss timber fence, Larch lap fence, Larch privacy panel. Due to changing ground levels retaining walls are proposed in certain parts of the site at 0.9m, mostly forming the rear garden boundaries of properties. The frontage boundary treatments are complimented with soft landscaping treatment.
- 11.14 In terms of noise and disturbance during the course of construction this aspect falls under the Environmental Health Act and covered in the Environmental Code of Development Practice.
- 11.15 The location of the LEAP has been raised by the Town Council and Environmental Health, however, this has been specifically located at the most suitable location level in terms of levels and safe access, which is also integrated within the wider landscaping scheme. Environmental Health have stated that the objective levels for air pollutants is unlikely to be breached. There are no policy grounds to refuse the application on this basis particularly as air pollution was assessed as part of the Outline application.
- 11.16 The dwellings are stated would be designed to sustainable standards, in accordance with current Building Regulation Standards and therefore would be energy efficient, in accordance with Local Plan Policy GEN2.
- 11.17 The development has been designed to be in accordance with Part M of the Building Regulations in terms of accessibility. This includes consideration for the design of the overall sloping site in term of gradients. An informal path for dog walkers is to be created around the perimeter of the site. This perimeter route will be just over one kilometre in length and will include the existing public footpath on the northern boundary that will be improved. This route will enable residents to gain access to the footpath network within the wider countryside. The designed gradients of the circular route will ensure that this path is accessible, with no gradient greater than 1 in 20.
- 11.18 Overall the application is in accordance with Local Policy GEN1, and GEN2, the Essex Design Guide and the NPPF.

B Mix of Housing and Affordable Housing

- 11.19 Local Plan Policy H10 seeks that residential schemes provide a mixture of house sizes. The scheme provides a balanced good mix of dwellings which responds to both the market and the needs of the Housing Register as the table below indicates;

Type	Private	Affordable
1 bedroom house	0	4
2 bedroom house	15	34
3 bedroom house	27	20
4 bedroom house	48	2
Totals	90	60

- 11.20 8 bungalows are provided on site in accordance with Council requirements of 5% provision of wheelchair accessible units. The scheme is therefore considered to be in accordance with Local Plan Policy H10 in this respect.
- 11.21 Policy H9 requires that 40% affordable housing is provided on sites having regard to market and site conditions. A total of 60 affordable dwellings are proposed

meeting the 40% requirement in accordance with Council policy and the terms of the S106 Agreement, in the following format;

Type	Affordable Rent	Shared Ownership
1 bedroom apartment	4	0
2 bedroom house	22	8
2 bedroom bungalow	4	0
3 bedroom house	11	9
4 bedroom house	1	1
Totals	42	18

11.22 As agreed with the S106 Agreement, attached the outline planning permission, there is a 70/ 30% split between affordable rent and shared ownership. In line with Schedule 2, Part 1 (3) the affordable housing has been integrated into the site layout so that no more than 15 affordable housing units are in a group.

11.23 No objection has been raised by the Housing Officer in terms of the proposed housing mix or type. As such the application complies with Policies H9 and H10 of the Local Plan and the requirements of the NPPF.

C Road Design and Car parking

11.24 Local plan policy GEN1 states “*development will only be permitted if it meets all of the following criteria;*

a) Access to the main road network must be capable of carrying the traffic generated by the development safely.

b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.

c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.

d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expects to have access.

e) The development encourages movement by means other than driving a car.”

11.25 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework. A Transport Assessment Addendum has been submitted as part of this application.

11.26 Whilst a number of the third parties have raised highway safety issues, capacity and the location of the development, the principle of the development, including the level of vehicle movements, and access into the site from Thaxted Road has been accepted at outline stage and therefore does not form part of the consideration of this application.

11.27 This reserved matters application includes details of the internal road layout, internal road priorities and its connectivity. The main core road through the site has been provided up to the northern boundary to allow for future development should this come forward under planning application UTT/17/2832/OP Land North Of Shire Hill Farm (100 dwellings) which would also connect with planning permission UTT/13/3467/OP & UTT/16/1856/DFO Land South Of Radwinter Road Radwinter Road (200 dwellings currently under construction), as secured through the original Section 106 Agreement attached to the outline consent of all three sites.

- 11.28 The main road through the site has been designed to 6.75m in width. A cycle/footpath has been designed within the street layout at 3m and 2m width footpath the other side of the road.
- 11.29 It has been stated within the Transport Assessment Addendum that “*The site layout has been designed with consideration given to the Essex Design Guide and Manual for Streets with emphasis on reducing car dominance and keeping traffic speeds within the target of 30mph on the spine road and 20mph on all other roads, with pedestrian and cycle movement prioritised where possible.*” This addresses the concerns raised by Environmental Health.
- 11.30 The existing Public Right of Way Footpath 37 will remain and be improved as well as be integrated into the design of the development. This will provide a positive buffer between the development and the dwellings to the north.
- 11.31 The following off-site highway works are to be delivered in-line with requirements set out in the S.106 Agreement attached to the outline planning consent (ref. S.106 para 1.33):
- a traffic signal-controlled junction in Thaxted Road to provide access to the proposal site;
 - a minimum 3m wide foot/cycleway along the site’s Thaxted Road frontage;
 - improvements to aid pedestrians to cross at the Thaxted Road/Peasland Road mini-roundabout;
 - improvements to the Bridleway that runs along the northern boundary of the site;
 - pedestrian and cycle signs at the key points along the appropriate routes between the town centre and railway station.
- 11.32 ECC Highways have raised no objections subject to a condition requiring both sides of the main road to have a 3m wide footpath both sides of the road which is contrary to the terms of the S106 Agreement, and thereby this is considered unreasonable. However, Highways have raised no objection to the road layouts, accesses or visibility splays.
- 11.33 In terms of car parking standards the Uttlesford Residential Parking Standards (2013) seeks for 1 car parking space for 1 bedroom units, 2 car parking spaces for 2-3 bedroom units and the Uttlesford Local Parking Standards (March 2013) seeks 3 car parking spaces for 4 plus bedroom dwellings, with a visitors parking provision of 0.25 spaces per dwelling. A breakdown of the proposed parking provision is highlighted in the table in **Appendix C**. Car parking spaces are 5.5m x 2.9m, increased to a 6m length for a space within a driveway in front of a garage. Garages have an internal size of 7m x 3m as per the ECC/EPOA standards and so count as a car parking space.
- 11.34 The proposed development is acceptable in terms of its road layout and design, and in accordance with the adopted Parking Standards above, also Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan.

D Landscape Impact and Biodiversity

- 11.35 The visual impact of the proposed development in this location has been considered as part of the outline planning application. As part of the reserved matters the details of the landscaping scheme need to be considered as to whether it is acceptable.

- 11.36 The constraints of the site were considered as part of developing the landscaping scheme. The existing landscaping is fundamentally along the perimeters of the site and would be retained except in connection with allowing for the proposed access into the site.
- 11.37 A single-line avenue of trees, set within a generous highway verge, will line one side of the proposed bus route that will pass through the site. This will create a positive new landscape feature that will aid movement through the site. A series of smaller “greens” are to be created throughout the development. These new landscape spaces will be planted with groups of new trees which will soften the development.
- 11.38 An informal path for dog walkers is to be created around the perimeter of the site. This perimeter route will be just over one kilometre in length and will include the existing public footpath on the northern boundary. This route will enable residents to gain access to the footpath network within the wider countryside. The designed gradients of the circular route will ensure that this path is accessible, with no gradient greater than 1 in 20.
- 11.39 A total of 190 new trees are proposed to be planted and together with under 1000 linear meters of new native species hedgerows are also to be planted as part of the new landscape and public realm proposals.
- 11.40 An area of local equipped area of play (LEAP) with various play equipment is proposed to the south of the site where the land levels are most even and safe access. This will be fenced off with child-friendly bow-top railings with two self-closing gates to keep out dogs. The play equipment will be constructed of hardwood timber to respect the site’s location on the settlement edge.
- 11.41 The introduction of dry drainage ponds within the site which would be planted will read as part of the wider landscaping and open space provision. Due to the fact that the ‘ponds’ will be dry and shallow these will be useable.
- 11.42 The various areas such as mews, table tops and drives will be characterised by differing hardscaping materials. Various types of planting have been proposed for differing areas such as indigenous trees within the street. New native species hedgerows that are to be planted around the edge of the built part of the site, low flowering informal evergreen hedgerows will be planted in some parts of the development in order to define garden frontages and to reinforce sense of place.
- 11.43 Due to the change in ground levels a textured retaining concrete wall would be proposed to the front entrance of the site that will be planted up with a 3m high native hedge. A 3.8m high wall and railings to the north side of the entrance will signify the gateway to the site. Together with the landscaping proposed this will create a semi-rural feel.
- 11.44 The Landscape Officer has been consulted of the application together with proactively working with the applicant’s Landscaping Consultant in order to develop and achieve a suitable scheme.
- 11.45 The Landscaping Officer has stated “*the submitted landscape framework plan (Dwg. No. PR162-01 Rev F) makes provision for the planting of nearly 200 trees of predominantly native species, and a kilometre of mixed native species*”

hedgerows consisting of some 5,000 hedging plants, together with a broadly similar length of native hornbeam hedges.

- 11.46 *The tree planting associated with the proposed swales is characterised by a mixture of traditional osiers, goat willow, and alder. This proposed wetland plantation planting would provide a level of visual separation and screening between the proposed development and the existing 'Kilns' residential development immediately south of the proposal site. Native hedge and tree planting adjacent to the north edge of the site will provide a level of screening and softening of the built forms from existing residential properties to the north of the site.*
- 11.47 *A circular site perimeter footpath is proposed through a linear open space to be seeded with native wild flower and grass mixture. The footpath links to the equipped play area (LEAP) situated in the south of the site." The Landscape Officer concluded no objection subject to a fully detailed landscaping scheme to be submitted for approval should the Reserved Matters application be approved.*
- 11.48 In terms of airport safeguarding BAA have raised no safeguarding objections to proposal.
- 11.49 In consideration of the above the landscaping scheme accords with Local Plan Policy GEN2, and GEN7.
- 11.50 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.
- 11.51 The ecological survey has been undertaken, submitted and assessed as part of the outline planning application. A number of recommendations have been made in order to mitigate and enhance biodiversity of which these have been conditioned as part of the outline application and would still need to be adhered to.
- 11.52 Condition 11 of the outline planning permission states *"All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Update Ecological Appraisal (Bioscan, May 2018) as already submitted with the planning application and agreed in principle 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 (Priority habitats & species) and s17 Crime & Disorder Act 1998. This is also in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the NPPF."

- 11.53 An updated ecological report has been submitted as part of this application. As a result no objections have been raised by ECC Ecology subject to securing biodiversity mitigation and enhancement measures. However, this is a condition that remains to be complied with on the Outline consent therefore no additional condition would be required should the reserved matters be approved. The scheme therefore is considered to accord with Local Plan Policy GEN7, and NPPF.

E Flood Risk and Drainage

- 11.54 Local Plan Policy GEN3 states that development would only be allowed if it does not increase the risk of flooding. Due to the scale of the proposed development a Flood Risk Assessment has been undertaken and submitted as part of the outline planning application, in accordance with Policy requirements.
- 11.55 The application site falls within Flood Risk Zone 1 where there is low probability of flooding from tidal or fluvial sources. The assessment had been undertaken to demonstrate that the proposed development would not increase the risk of flooding outside of the application site.
- 11.56 As part of the application landscaping masterplans have been submitted which indicate features such as dry swales which would form part of the development and any forthcoming drainage scheme.
- 11.57 ECC SUDs have been consulted and have stated *“Having reviewed the documents which accompanied the planning application, we do not object to the granting of the planning permission ref UTT/19/2355/DFO. The reserve matter application does not directly relate to drainage and therefore the application should be subject to the same conditions applied to the outline application (UTT/18/0824/OP). The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the Drainage strategies and the documents submitted with this application are implemented as approved.”*
- 11.58 Whilst no drainage details have been submitted as part of this reserved matters application there are conditions which that remain to be complied with on the outline permission therefore no additional would be required should the reserved matters be approved.
- 11.59 The development is therefore considered to be in accordance with Policy GEN3 of the adopted Local Plan.

F Other Considerations

- 11.60 ECC Archaeology have commented regarding the application and have raised no objection subject to Archaeological Programme of Trial Trenching followed by Open Area Excavation condition. However, it should be noted that this condition has already been placed upon the Outline planning application. It is understood that some archaeological works have already commenced on site.
- 11.61 The Town Council have raised objections, which are included in **Appendix B**, regarding the level of weight applied to Emerging Draft Local Plan Policies. Due to the status of the draft local plan the weight applied to these policies are limited and therefore could not sustain refusing an application on this policy basis, also due to the fact that they are not formally adopted.
- 11.62 With regards to comments relating to the Green space and this being *‘significantly diminished’* in relation to the outline planning application, the Outline permission purely relates to the principle of the development and the fact that 150 dwellings could be achieved on the subject site. Details relating to the level of greenspace was not approved as part of the outline planning application and only the access was approved. For information the description of the application was *“Outline planning application for the development of up to 150 dwellings (Use Class C3)*

with all matters reserved except access". There is no adopted policy for the provision of public open space which the application can be assessed against. It was made clear within the outline planning application report that "*The details relating to public open space land situated within the residential part of the development is a reserved matter however it is clear that such would be provided as part of the proposed development.*"

- 11.63 Even with the ground level constraints on the site large buffers zones of greenspace have been provided surrounding the proposed development which will provide over 1km of footpath, together with pockets of greenspace within the scheme which softens the development, also a LEAP providing over 600m² of play area. . Based on the Town Council's calculations the greenspace provision as part of the whole scheme of approximately 23,353m² also exceeds the draft policy provision of 3,600m² based on 10m² per person. The SUD basins are shallow and dry and therefore usable.
- 11.64 The reserved matters details has to demonstrate that the sufficient back to back distances, off street parking provision, roads to standards, providing dwellings to national space standards on top of greenspace provision which is considered to have been balanced out within the development scheme and well achieved.
- 11.65 Cycle paths have been provide on the mains roads as discussed above whereby 3m wide pavements have been provided in accordance with the S106 Agreement requirements.
- 11.66 No objections have been raised by ECC Highways, Landscape Officer, or Ecology.
- 11.67 In terms of the housing mix this is considered above as acceptable. It meets the current SHMA and no objections have been raised by the Housing Officer.
- 11.68 With regards to the lack of consideration for climate change mitigation the dwellings will need to accord with current Building Regulation requirements regarding energy efficiency, which is stringent taking a fabric first approach. There is no adopted policy requirement and as far as Local Plan Policy GEN2 is considered the scheme accords. It is unreasonable and unable to sustain refusing the application based on the lack of solar panel and air source heat pump provision within the scheme.
- 11.69 The Town Council states that "*The reserved matters application show equipment made of wood, which will not be long-lasting and which will not provide good value for money, especially in the light of the short maintenance contribution (set in the Section 106 at 5 years not 10). Again, this is unsustainable.*" The equipment is proposed to be made from treated wood which comes with a 25 year guarantee. The use of wood is considered more environmentally sustainable rather than the use of metal and aesthetically more sensitive to the rural nature of the site's surroundings and the design approach of the scheme. Nonetheless, this aspect could be conditioned should the reserved matters be approved.
- 11.70 The some of the following details have been provided as part of the application and by way of formally discharging conditions attached to the outline planning permission;
- 11.71 **Condition 5 - Materials and boundary treatment**

This has been discussed above and the details are considered to be acceptable. Therefore the condition can be formally discharged.

11.72 **Condition 7, (detailed lighting scheme) (UTT/19/2356/DOC)**

Condition 7 states “No fixed lighting shall be installed until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of the height of the lighting posts, intensity of the lights specified in Lux levels), spread of light including approximate spillage to the rear of the lighting posts or disturbance through glare. The development shall be carried out in accordance with the approved details.

REASON: To protect the amenity of neighbouring residents, in accordance with Policy GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005) and the NPPF.”

- 11.73 An Outdoor Lighting report and Lighting Impact Assessment has been submitted as part of the discharge of condition. It should be noted that the details do not form part of the reserved matters, however, the adopted roads would influence the lighting scheme due to lighting required to meet adoptable standards.
- 11.74 It should be noted that the more sensitive lighting should be to the outer parts of the development which have mews type roads and therefore less formal lighting sensitive to both neighbouring residential properties and local wildlife habitats, which has been identified by the Lighting Impact Assessment. The formal adopted lighting specification on the core roads of the scheme would be 6m in height.
- 11.75 The reports also have taken account of mitigating of the effects of the lighting installation during construction phase. The Lighting Impact Report for post construction states *“The detailed lighting design is designed to use current best practice and technology. The impacts of external lighting will be minimised by the installation of lighting to the minimum specification required to provide a safe night time environment for residents, therefore lighting will be designed to comply with the minimum illuminance levels given within the appropriate guidance. The detailed lighting design will be in keeping with the ecology report in order to maintain the integrity of habitats for wildlife within and around the site.”*
- 11.76 Environmental Health have been consulted of the details and stated that *“Details prepared by MMA Lighting Consultancy show a proposal to install 25LED luminaires on 6m high columns in accordance with ECC specification and ILP guidance. The design and choice of luminaires minimise overspill onto development beyond the site boundary, and control sky glow and glare. Contours depicting the horizontal illuminance in Lux are provided, and show no spill onto neighbouring developments. The proposals are acceptable however, Condition 7 also requires the development to be carried out in accordance with the approved details, and in this respect it may not be appropriate to fully discharge the condition at this stage.”*
- 11.77 The details submitted in theory does not prevent the discharge of the condition as suggested by EHO, however no details have been provided regarding any lighting details for the mews. This nonetheless does not prevent the determination of the reserved matters application as the condition can be dealt with separately.
- 11.78 **Condition 16 (water pollution control), 21(surface water drainage), and 23 (maintenance plan) (UTT/19/2357/DOC)**

- 11.79 The above conditions state;
16 - Prior to the commencement of any development, a scheme for the provision and implementation of water pollution control shall be submitted and agreed in writing with the Local Authority. The development hereby permitted shall be constructed and completed in accordance with the approved plans/specifications. REASON: To ensure that the proposed development does not cause pollution of controlled waters and that the development complies with approved details in the interests of controlled waters, in accordance with Policy ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).
- 11.80 21 - No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- o Limiting discharge via infiltration for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
 - o 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.
 - o Final modelling and calculations for all areas of the drainage system. The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
 - o Detailed engineering drawings of each component of the drainage scheme.
 - o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - o A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- The scheme shall subsequently be implemented in line with dwelling occupations.
- REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm, which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site. This is in accordance with Policy GEN3 of the Uttlesford Local Plan and the NPPF.
- 11.81 23 - No works shall take place until a Maintenance Plan detailing the proposed maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.
- REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site. This is in accordance with Policy GEN3 of the Uttlesford Local Plan and the NPPF.

11.82 Details have been submitted in the form of Flood Risk And Drainage, Permeable Paving and construction details plan. ECC SUDs have been consulted and state *“Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we recommend the discharge of Condition 21 to the outline planning permission reference UTT/18/0824/OP. The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the Drainage strategies and the documents submitted with this application are implemented as approved.”*

11.83 Whilst the Environment Agency have yet to respond to the consultation regarding Condition 16 and no details appear to have been submitted regarding who is responsible for different elements of the surface water drainage system again this does not prevent the determination of the reserved matters application, as the condition can be dealt with separately.

11.84 **Condition 8 (Construction Environmental Management Plan)**

8 - Prior to the commencement of any individual building or individual phase hereby approved, including any ground works or demolition, a detailed construction environmental management plan shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- o The construction programme and phasing
- o Hours of operation, delivery and storage of plant and materials used in constructing the development
- o Parking of site operatives and visitors and loading arrangements of plant and materials
- o Details of hoarding
- o Management of traffic to reduce congestion
- o Control of dust and dirt on the public highway
- o Arrangements for monitoring levels of dust emitted during the construction phase
- o Details of consultation and complaint management with local businesses and neighbours
- o Waste management proposals
- o Mechanisms to deal with environmental impacts such as noise, air quality, light and odour.
- o wheel and underbody washing facilities

The development shall thereafter be implemented in accordance with the approved details.

REASON: In the interests of highway safety and the control of environmental impacts, in accordance with policy GEN2, GEN1, GEN8, ENV13, ENV14 and GEN4 of the Uttlesford Local Plan (adopted 2005) and the NPPF. Also, 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 Policy DM1 of the Highway Authority's Development Management Policies February 2011.

11.85 Construction Management Plan has been submitted to address the above condition. It should be noted that this condition does not have a bearing on the assessment of this Reserved Matters application.

11.86 Nonetheless, ECC Highways have recommended amendments to the details submitted which are currently under process. Environmental Health have commented on the details which have been submitted of which they have stated “Condition 8 requires a detailed construction management plan to be submitted to demonstrate safety and environmental impact controls which will be applied during the construction phase.
A Construction Management Plan prepared by Bellway Homes has been submitted and is considered acceptable to allow discharge of the condition. The plan includes a requirement for further detailed risk assessments and site specific method statements to be prepared during development of various phases of construction to address noise and dust emissions.” The condition is considered acceptable to discharge subject to the corrections suggested by Highways.

12. CONCLUSION

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

Policy	Proposals in accordance with policy?	Policy compliance with NPPF	Weight
GEN1	Proposal would comply with Policy GEN1 with appropriate mitigation	Generally consistent	Moderate
GEN2	Proposal complies with Policy GEN2	Generally consistent	Moderate
GEN3	Proposal comply with Policy GEN3 with appropriate mitigation	Partly consistent	Limited
GEN4	Proposal comply with Policy GEN4 with appropriate mitigation	Consistent	Moderate
GEN5	Proposal comply with Policy GEN5 with appropriate mitigation. Further information required as part of the outline conditions	Consistent	Moderate
GEN7	Proposal would comply with Policy GEN7 with appropriate mitigation	Partially consistent	Moderate
GEN8	Proposal complies with Policy GEN8	Consistent	Moderate
H9	Proposal complies with Policy H9 in accordance with s106 Legal Obligation	Consistent	Moderate
H10	Proposal complies with Policy H10	Consistent	Moderate
ENV15	Proposal will comply with Building Regulation requirements which are stringent	Partially consistent	Moderate

12.2 The design, appearance, layout and scale of the development is in accordance with Local Policy GEN1, and GEN2, the Essex Design Guide and the NPPF. The

amenity of the existing adjacent and future resident of the site would be persevered in accordance with Local Plan Policy GEN2, GEN4 and GEN5.

- 12.3 40% affordable housing has been provided in accordance with the terms of the S106 Agreement. The housing mix is in accordance with the SHMA. No objection has been raised by the Housing Officer in terms of the proposed housing mix or type. As such the application complies with Policies H9 and H10 of the Local Plan and the requirements of the NPPF.
- 12.4 The main core road through the site has been provided up to the northern boundary to allow for future development should this come forward under planning application UTT/17/2832/OP Land North Of Shire Hill Farm (100 dwellings) which would also connect with planning permission UTT/13/3467/OP & UTT/16/1856/DFO Land South Of Radwinter Road Radwinter Road (200 dwellings currently under construction), as secured through the original Section 106 Agreement attached to the outline consent of all three sites.
- 12.5 The roads have been designed to Highway Standards and in accordance with the size and layout required by the Section 106 Agreement.
- 12.6 The proposed development is acceptable and in accordance with the adopted Parking Standards above, also Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan.
- 12.7 In consideration of the above the landscaping scheme accords with Local Plan Policy GEN2, and GEN7.
- 12.8 An updated ecological report has been submitted as part of this application. As a result no objections have been raised by ECC Ecology subject to securing biodiversity mitigation and enhancement measures. However, this is a condition that remains to be complied with on the Outline consent therefore no additional condition would be required should the reserved matters be approved. The scheme therefore is considered to accord with Local Plan Policy GEN7, and NPPF.
- 12.9 Whilst no drainage details have been submitted as part of this reserved matters application there are conditions which that remain to be complied with on the outline permission therefore no additional would be required should the reserved matters be approved. ECC SUDs have raised no objections subject to the conditions of the Outline permission being complied with. The development is therefore in accordance with Policy GEN3 of the adopted Local Plan.

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 erection of the development hereby approved (not including footings and foundations) full details of soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.

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

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

3. Notwithstanding the refuse strategy drawing submitted as part of the application (drawing BW216 PL-07 Revision C) details of bin storage locations which are located more reasonably closer to the dwellings that they relate shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved scheme.

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

APPENDIX A
OUTLINE REPORT

APPENDIX B

TOWN COUNCIL'S COMMENTS

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Saffron Walden Town Council OBJECTS to the planning application UTT/19/2355/DFO

UTT/19/2355/DFO | Approval of Reserved Matters following outline application UTT/18/0824/OP details of layout, scale, landscaping and appearance relating to the development of the site to provide 150 residential dwellings (Use Class C3) and associated infrastructure works. | Land East Of Thaxted Road Saffron Walden Essex

In objecting to the above planning application, the Town Council must also object to planning applications:

UTT/19/2357/DOC | Application to discharge Condition 16 (water pollution control) and 21(surface water drainage), 23 (maintenance plan) attached to UTT/18/0824/OP. | Land East Of Thaxted Road Saffron Walden Essex

UTT/19/2356/DOC | Application to Discharge Condition 7, (detailed lighting scheme), attached to UTT/18/0824/OP | Land East Of Thaxted Road Saffron Walden Essex

The reasons for objection stem from the differences of detail between the approved outline application and the current reserved matters application. The Town Council considers that the differences of detail are substantial enough to be material reasons for refusal of this application.

For clarity, SWTC believes that this planning application should be REFUSED for failing to meet:

- **2005 Local Plan Policies:** GEN1 Access, GEN2 Design, GEN6 Infrastructure Provision to Support Development and H10 Housing Mix
- **eLP Policies:** SP12 Sustainable Development Principles, D1 High Quality Design; H2 Housing Mix; TA2 Sustainable Transport, INF1 Infrastructure Delivery, INF2 Protection, Enhancement and Provision of Open Space, Sports Facilities and Playing Pitches; D8 Sustainable Design and Construction D9 Minimising Carbon Dioxide Emissions and EN7 Protecting and Enhancing the Natural Environment
- **The NPPF:** Paragraph 122; and the definition of Open Space

We note that eLP policy SP12 has been through the Local Plan Examination, and was approved as amended; we also believe that the other policies that we have referred to are consistent with the NPPF, and therefore all should be given significant weight in accordance with NPPF para 48.

1. Green space

Detail at approved outline application	Detail at reserved matters planning application
<p>The Officer Report for the planning committee at outline application stage says:</p> <p>3.1 <i>"The submission is for Outline planning permission with all matters reserved except access.</i></p> <ul style="list-style-type: none"> • <i>Provision of up to 150 dwellings including affordable housing;</i> • <i>Mixed housing types and tenure</i> • <i>Substantial new areas of public recreation and open space providing for all ages, range of formal and informal spaces"</i> 	<p>The Town Council has had the outline application and the reserved matters maps professionally measured to assess the green space.</p> <p>The first observation is that the green space is significantly diminished; the outline application measured all the green space as being 27,382m², whereas the reserved matters application measures all the green space as being approximately 23,353m² – a reduction of 4,029m². We note below that UDC is about to adopt the February 2019 Open Spaces Standard as a material consideration, and that this sets down a standard of 7.81ha per 1,000 people, or 2.8ha for a development of the size now proposed. The outline application falls below this standard, although we recognise that it cannot be varied now, but the current application should conform to the new standard, or at the very least provide no less green space than the outline permission.</p> <p>The TC does not consider that the green space proposed by the reserved matters application meets the definition of "substantial", and in any case the significant reduction is unsustainable within the NPPF meaning – it involves a diminution in social and environmental sustainability compared with the existing permission with no corresponding benefits.</p> <p>The green space is almost all in the form of inaccessible and closed-to-the-public attenuation ponds, and busy roadside verges, none of which is usable. We note that the main spine road through the development is to be a significant main road, designed to divert through traffic away from the Thaxted Road / Radwinter Road junction; as with the green spaces at, for example, Beeches Close by the Newport Road, the proximity of a busy road by these proposed green spaces renders them useless for amenity value, and they cannot possibly be described as</p>

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	<p>areas for “public recreation”. The Outline Application referred to the provision of substantial new areas of open space providing for all ages; instead there is virtually no usable provision – almost nowhere quiet to sit and nowhere for informal play or ball games. The proposed development needs to be re-designed so that there are substantial areas of open space which are usable by all ages and which are well away from busy roads.</p> <p>The application is therefore contrary to INF6, and eLP INF1 and INF2, as well as NPPF paras 8 and 92 (in not providing open spaces which reflect needs)</p>
<p>The Officer Report for the planning committee at outline application stage says: <i>11.16 “Whilst design is a reserved matter, the illustrative Master Plan indicates a development that reflects the rural character of the location. Landscaping would be used to reduce the visual impacts and some landscaping elements would introduce additional facilities required for health, social and cultural well-being. These include proposed open spaces; children play spaces, recreation, new footpaths and cycle routes.”</i></p>	<p>The TC does not consider that the reserved matters application in any way reflects the illustrative Master Plan’s reflection of the rural character of the location. Whereas there was supposed to be a broad “green” perimeter separating the new development from existing houses, now there is only a very thin strip of land. The great reduction of the green perimeter also impinges on the neighbouring houses on the edge of Saffron Walden as well as reducing its environmental value – both eLP EN7 and the NPPF require that development enhances biodiversity and the environmental value of sites, whereas the proposed application would diminish it when compared to the outline permission.</p> <p>The open space provision is too small to be considered as “facilities required for health, social and cultural wellbeing”.</p> <p>The footpaths have diminished and only run along the main roads. The needs of pedestrians are not properly considered</p> <p>There are no cycle paths, and the only cycle routes are along the main roads.</p> <p>There is only one “children play space” not several (unless the application tries to count two verges alongside the spine road as “play areas”, when they clearly are not).</p>

	<p>The only children's play area is on the opposite side of the main (spine) road from the houses. The spine road is being designed to take heavy goods vehicles and buses, and given its location and design intent, it will be a very busy road, perhaps becoming one of the busiest in the east of Saffron Walden. It is manifestly unsuitable to require children to cross such a road to access a play area, and situating a play area anywhere near to a main road is clearly extremely poor design, from an amenity, air pollution and general safety perspective. The positioning of the play area away from the houses substantially diminishes its amenity value – to be properly designed it should be as close as possible to the centre of the housing.</p> <p>For these reasons the proposed development is contrary to INF6, GEN1 and GEN2 and eLP D1, INF1 and TA2 as well as the equivalent NPPF provisions.</p>
<p>The Officer Report for the planning committee at outline application stage says: 11.18 "Whilst layout, scale, design and landscaping are to be reserved matters, there is significant detail within the illustrative Master Plan and the Design and Access Statement to demonstrate how landscaping and biodiversity would be enhanced and preserved."</p>	<p>With the open green space so drastically reduced, it is not possible to agree that the landscaping and biodiversity would be "enhanced and preserved" by this reserved matters application.</p>
<p>The Officer Report for the planning committee at outline application stage says: 11.33 "The structure of the development is stated to take the form of setting a clear approach of having a hierarchy of streets and spaces based on a strong, irregular block structure. It is stated that the scheme would be designed so as to not be car dominated and encourage movement by foot and cycle. There would also be a range of public open</p>	<p>The reserved matters application clearly shows that the scheme would be car dominated because there are no paved routes for pedestrians or cyclists other than the roads. Therefore, there are no measures which will "encourage movement by foot or cycle".</p> <p>The open spaces in the scheme only include one children's play space – a LEAP, and there are no LAPS in the design (unless as previously noted, these are the verges along the spine road, and therefore not in any way suitable as LAPS).</p>

spaces through the scheme that would include children's play spaces, trim trail, and informal amenity spaces for walking and general recreational activities. This would also be provided through the use of Local Areas of Play (LAP) and a Locally Equipped Area of Play (LEAP) which has been highlighted within the illustrative plans submitted."

There are no "informal amenity spaces for walking and general recreational activities". The only footpaths are those which are mandatory because there is already a public right of way over the site. This is not an enhancement of the site because the public right of way exists now while the site is a field.

There are no spaces large enough to be used for "general recreational activities".

Further, the only open spaces are either adjacent to the spine road which will be busy or Thaxted Road which is very busy. This makes them abjectly unsuitable and undesirable as recreation spaces, even if they were big enough, because they will be noisy, dangerous and polluted. It would not be possible, for example, to allow children to play football on the spaces alongside the road, or to allow a dog to run off lead.

Placing the play area on the far side of such a busy road fails UDC policies:

GEN1 Access *"The design of the site must not compromise road safety and must take into account the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired";* and

eLP D1 High Quality Design Development should [...] *creating well connected, accessible and safe places."*

Further, much of the proposed open spaces are in fact in the form of SuDS attenuation basins, (the development layout plan shows four in total).

Attenuation basins are not accessible to the public as they contain dangerous structures.

Non-accessible public open space is contrary to UDC planning policy. eLP Paragraph 8.13 *"Exceptionally open space can be provided within floodplains"*. Nothing has ever suggested that this application qualifies as such an exception. Therefore, the open space must not be provided on a floodplain. An attenuation basin is even more likely to contain water than a floodplain

(because it catches all surface rainwater and not just the surplus water once a river has burst banks). Therefore, an attenuation basin is “worse” than a floodplain in relation to its value to the public as amenity land. Therefore, if the development wouldn’t provide public open space on a floodplain then it definitely should not describe an attenuation basin as public open space.

The reserved matters application fails the NPPF Glossary definition of Open Space: “*All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity*”, because an attenuation basin, which is inaccessible to the public, does not “offer important opportunities for sport and recreation”

Contextual figures: The proposed development is for 150 dwellings and the most recent sports strategy calculates an average of 2.4 residents per dwelling, thus the development can be expected to accommodate 360 residents.

Therefore, according to the officer’s report the development should provide:

- Amenity greenspace $10\text{m}^2 \times 360 = 3,600\text{m}^2$
- Provision for children/young people $2\text{m}^2 \times 360 = 720\text{m}^2$
- Provision for allotments $2\text{m}^2 \times 360 = 720\text{m}^2$
- Total = 5,080m²

The single play area in the reserved matters application is 553m², which is 167m² too small, i.e. 23% smaller than the officer report to the planning committee said it would be.

We also note that the UDC PPWG meeting convened for 5 November 2019 proposes to adopt the Open Space Study Standards Paper February 2019 as a material consideration and to apply the standards contained within it. According to these Standards, amenity space should be provided at 16m² or 5760 m² in total

The Officer Report for the planning committee at outline application stage says: **11.156 “In terms of open space provision the draft plans outlines the following;**

Open Space Requirements		Threshold for Off-Site Provision
Type of Provision	Level of Provision (Square metres per person)	Threshold for On-Site Provision
Amenity Greenspace	10	All developments under 10 dwellings or over where on-site provision is not possible
Provision for children and young people (LOPS, LEAPS and NEPS)	2	All development under 18 dwellings or over where on-site provision is not possible
Allotments	2	All development under 18 dwellings or over where on-site provision is not possible

11.157 No doubt should planning permission be granted the reserved matters would

<p><i>identify land for open spaces, LEAPs and LAPs which would address the above draft policy. "</i></p>	<p>The table which the officer report reproduces is an extract from policy eLP INF2 Protection, Enhancement and Provision of Open Space, Sports Facilities and Playing Pitches. INF2 precedes the table with the following text: <i>"Unless specified in the relevant site allocation policy, publicly accessible open space ... will be in accordance with the following standards"</i>. This policy supports the fact that the SuDS cannot be considered as public open space.</p>
	<p>An additional note on the public open space – Essex Highways has commented (letter added to planning portal 28.10.19) that the spine road requires a 3m wide cycle path and a 3m wide verge at either side. This will further reduce the public open space by a width of 9m the entire length of the spine road, which will have a considerable impact on the development.</p> <p>Essex Highways has also asked for modifications to some parking spaces. The development layout will need to be amended. The Town Council will comment further on the revised layout when it is available.</p>

2. Open Market Housing Mix

<p>Detail at approved outline application</p>	<p>Detail at reserved matters planning application</p>
<p>The Officer Report for the planning committee at outline application stage says: 11.36 [...] <i>"Emerging Draft Local Plan Policy H2 states "New housing developments will provide for a mix of house types and sizes to meet the different needs of the local area and the District as a whole including a significant proportion of 3 and 4+ bedroom market</i></p>	<p>The proposed open market housing mix is:</p> <ul style="list-style-type: none"> 0 x 1-bedroom dwellings 15 x 2-bedroom dwellings 27 x 3-bedroom dwellings 48 x 4-bedroom dwellings --- 90 open market dwellings in total.

<p><i>housing and 2 and 3 bedroom affordable housing to meet the needs of families as evidenced by the most recent Strategic Housing Market Assessment having regard to local character, significance of heritage assets and the viability of the development which will be assessed on a site by site basis”</i></p> <p>The officer report for the planning committee at outline application stage also says: 11.40 <i>“The final design, number and size of units would be determined at the reserved matters stage but it is considered that the application proposes an acceptable level of affordable housing on the site and is capable of providing an acceptable mix of dwellings. As such the application complies with Policies H9 and H10 of the Local Plan.”</i></p> <p>Policy H10 of the (current) Local Plan says: <i>“All developments 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.”</i></p>	<p>The officer report is unclear as to which Local Plan policy takes precedence. Paragraph 11.36 of the officer report refers to the emerging LP Policy H2, and paragraph 11.40 refers to the existing Local Plan policy H10. However, either way, the proposed housing mix does not meet either the current policy H10 or the eLP policy H2.</p> <p>Policy H2, requires a significant proportion of housing to be 3 and 4 bedroom. The total number of 3 and 4 bedroom houses in this application is 75. 75 houses out of 90 (83%) is way above what could be described as “significant”, and is predominately the housing mix.</p> <p>Policy H10 requires a significant proportion of housing to be 2 and 3 bedroom. The total number of 2 and 3 bedroom houses in this application is 42. 42 houses out of 90 (46%) is below what could be described as “significant”.</p> <p>The NPPF, Section 11 Making Effective Use of Land, subsection Achieving Appropriate Densities Paragraph 122 says: <i>“Planning policies and decisions should support development that makes efficient use of land, taking into account: a) the identified need for different types of housing”</i>. This puts an emphasis on “need”.</p> <p>eLP Policy D1 High Quality Design says <i>“Proposals for new development must meet the nationally described space standards and the necessary dwelling mix, privacy, daylight and sunlight for future occupiers”</i>. This puts an emphasis on the dwelling mix being what is “necessary”.</p> <p>The Uttlesford District Council Local Plan Sustainability Appraisal and Strategic Environmental Assessment Scoping Report: Annex B – Baseline Information July 2015. Page 13 of the document gives the percentages for the housing mix required.</p>
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Strategic Housing Market Assessments (SHMAs) are a crucial part of the evidence base that informs policy and helps shape strategic thinking in housing need and planning.

The SHMA for the Uttlesford District Council LOCAL PLAN encompasses the wider London commuter belt (east) / M11 sub-region and was finalised in October 2009, drawing on the figures set out in Policy H1 of the East of England Plan (2008) for the period 2001-2021. These figures specified 8000 dwellings to be built by 2021, of which currently (as of 2010/11 figures) 3,999 have been delivered.

The following table taken from the SHMA shows the breakdown of units required in the District from these figures/sources. The data is derived from the most recent Strategic Housing Market Assessment undertaken in 2008.

Table 15: Size mix of housing requirement, 2007 – 2021

Housing Type	Number	Percentage
Market Housing		
1 bedroom	-	1.0%
2 bedroom	800	19.4%
3 bedroom	1900	46.7%
4 bedroom	1100	25.9%
5 + bedroom	300	6.9%
Sub-total	4200	100.0%

Using these percentages, the proposal should be approximately for:

1 x 1-bedroom (1%); 17 x 2-bedroom (19.4%); 42 x 3-bedroom (46.7%); 23 x 4-bedroom (25.9%); and 6 x 5-bedroom (6.9%). (NB: one lost due to rounding)

Using these percentages, and applying Policy H2 there would be approximately 60 2 and 3 bedroom houses (67%) which would be closer to "significant".

Using these percentages, and applying Policy H10 there would be approximately 65 3 and 4 bedroom houses (72%) which would be closer to "significant".

	<p>Therefore, if using these percentages and these numbers, and not those in the application, the application would meet both H2 and H10.</p> <p>The Saffron Walden Neighbourhood Plan research data (commissioned from Rightmove) firmly supports the provision of more 2 and 3 bedroom homes over and above the provision of 4 and 5 bedroom homes. The Neighbourhood Plan research indicates that ideally there would be more than one open market 1-bedroom home and there should be around 9 out of the total in order to rebalance supply with demand in Saffron Walden.</p>
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3. House Sizes

<p>Detail at approved outline application</p> <p>Paragraph 5.1 of the Design and Access Statement says <i>“The proposed development will deliver a high standard of housing design irrespective of price or tenure. The scheme will focus on establishing a strong sense of community.”</i></p>	<p>Detail at reserved matters application</p> <p>The application states that the LPA does not have a policy on national space standards.</p> <p>The LPA does have an emerging policy on space standards. eLP D1 High Quality Design says <i>“Proposals for new development must meet the nationally described space standards and the necessary dwelling mix, privacy, daylight and sunlight for future occupiers”</i></p> <p>If any proposed dwellings do not meet the nationally described space standards, the application should be refused on grounds of failing to meet eLP D1</p>
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4. Lack of consideration for climate change mitigation

<p>Detail at approved outline application</p> <p>www.saffronwalden.gov.uk</p>	<p>Detail at reserved matters planning application</p> <p>enquiries@saffronwalden.gov.uk</p>
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<p><i>Paragraph 5.1 of the Design and Access Statement says "The built form of the homes will meet current standards of insulation and incorporate measures to minimise energy use. Both the design of the homes and the development layout together with the selection of materials is of key importance to the energy efficiency of the new properties."</i></p>	<p>The application fails to make provision for renewable energy and provides no evidence that the development has applied the Energy Hierarchy. The orientation and massing of the buildings seems to be completely random – there is no indication that the orientation has been designed to maximise solar energy production or for any other sustainable purpose. eLP Policy D8 requires that opportunities to maximise on-site renewable forms of energy should be taken, and eLP Policy SP12 as amended in the Local Plan Examination requires that all developments should maximise renewable energy use and minimise non-renewable energy use. There is no sign that any renewable energy measures have been incorporated, and in their presentation to the Town Council on 9th September 2019, the Applicant confirmed that no solar panels or other renewable energy sources, such as air source heat pumps, were proposed. Therefore, the application does not meet any of eLP Policies SP12, D8 or D9.</p>
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5. Quality of play equipment

<p>Detail at approved outline application</p> <p>The outline application Design and Access Statement included a picture of high-quality metal play equipment which would be long-lasting:</p>	<p>Detail at reserved matters planning application</p> <p>The reserved matters application show equipment made of wood, which will not be long-lasting and which will not provide good value for money, especially in the light of the short maintenance contribution (set in the Section 106 at 5 years not 10). Again, this is unsustainable.</p>
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Locally Equipped Area for Play (LEAP)

The LEAP will be located within the area of public open space close to pedestrian and/or cycle routes.

The space will be designed to stimulate balancing, rocking, climbing, sliding, swinging, jumping, crawling, reaching, courching and touching and imaginative play, catering for children from 4 to 8 years.



re Living Limited - Treated Wood, Soften Mats, Design and Access Statement



APPENDIX C

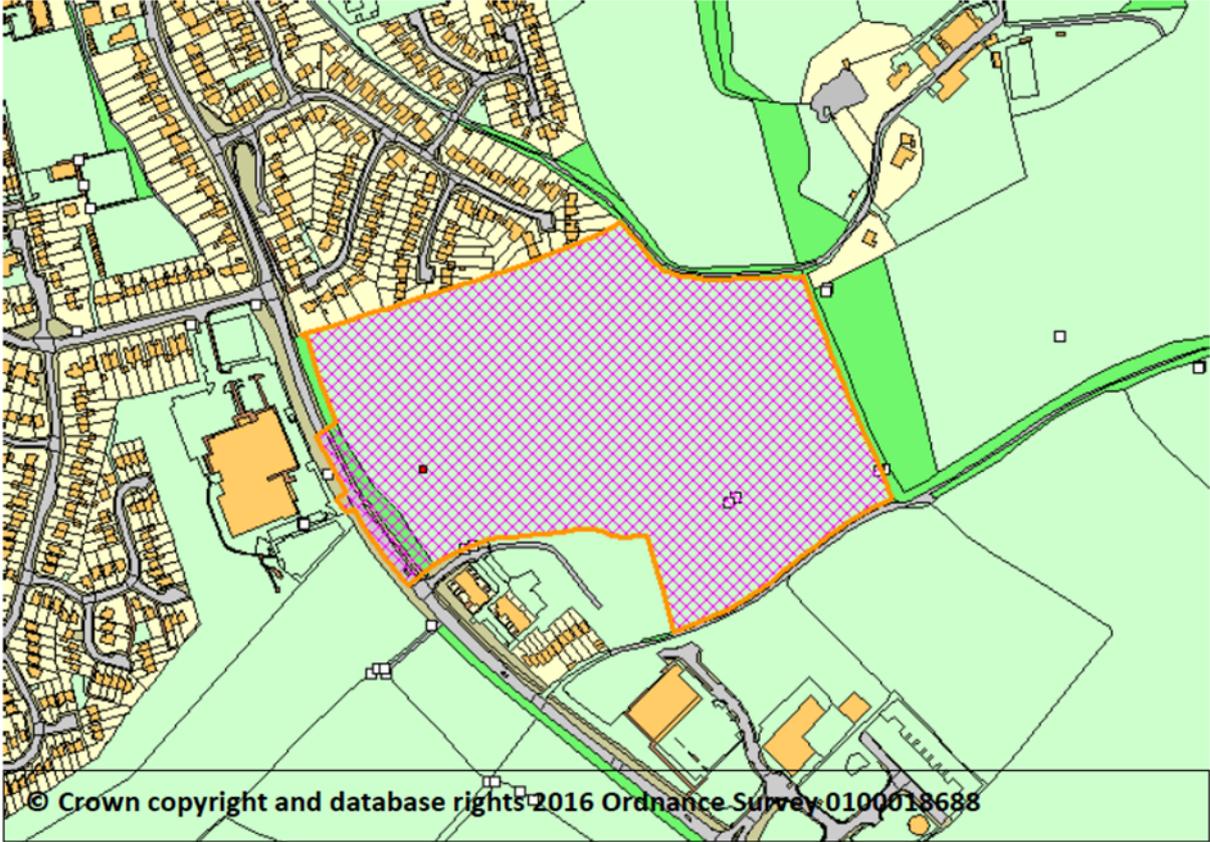
Plot	Tenure	Type	Number bedrooms	Garden area (m ²)		Parking		
				Required	Proposed	Spaces	Garages	Total
1	Private	Jeweller SP1 M4(2)	4	100	135	2	1	3
2	Private	Hillard	3	100	108	2	1	3
3	Private	Coppersmith	3	100	100	2	0	2
4	Private	Blemmere	3	100	100	2	0	2
5	Private	Reedmaker	4	100	100	2	1	3
6	Affordable	Tillman	3	100	100	2	0	2
7	Affordable	Tillman	3	100	100	2	0	2
8	Affordable	Tillman	3	100	102	2	0	2
9	Affordable	Tillman	3	100	100	2	0	2
10	Affordable	Tillman	3	100	100	2	0	2
11	Affordable	Tillman	3	100	101	2	0	2
12	Affordable	Baker	2	50	50	2	0	2
13	Affordable	Baker	2	50	50	2	0	2
14	Private	Hillard	3	100	103	1	1	2
15	Private	Blemmere	3	100	101	1	1	2
16	Private	Reedmaker	4	100	136	2	1	3
17	Private	Reedmaker	4	100	138	2	1	3
18	Private	Hillard	3	100	100	1	1	2
19	Private	Luthier	4	100	118	2	1	3
20	Private	Hillard	3	100	101	1	1	2
21	Private	Blemmere	3	100	100	1	1	2
22	Affordable	Ploughwright	3	100	103	2	0	2
23	Affordable	Tillman	3	100	117	2	0	2
24	Affordable	Tillman	3	100	101	2	0	2
25	Affordable	Tillman	3	100	101	2	0	2
26	Private	Blemmere	3	100	100	2	0	2
27	Private	Luthier	4	100	111	2	1	3
28	Private	Jeweller SP1 M4(2)	4	100	107	2	1	3
29	Private	Jeweller SP2 M4(3)	4	100	109	2	1	3
30	Private	Reedmaker	4	100	103	2	1	3
31	Private	Reedmaker	4	100	100	2	1	3
32	Private	Jeweller SP1 M4(2)	4	100	132	2	1	3
33	Private	Coiner	2	50	66	2	0	2

34	Private	Coiner	2	50	71	2	0	2
35	Private	Reedmaker	4	100	115	2	1	3
36	Private	Coiner	2	50	62	2	0	2
37	Private	Coiner	2	50	53	2	0	2
38	Private	Blemmere	3	100	104	2	0	2
39	Private	Reedmaker	4	100	112	2	1	3
40	Private	Luthier	4	100	107	2	1	3
41	Private	Blemmere	3	100	100	2	0	2
42	Private	Luthier	4	100	143	2	1	3
43	Private	Luthier	4	100	132	2	1	3
44	Private	Luthier	4	100	169	2	1	3
45	Private	Reedmaker	4	100	103	2	1	3
46	Private	Jeweller SP2 M4(3)	4	100	113	2	1	3
47	Private	Luthier	4	100	102	2	1	3
48	Private	Luthier	4	100	128	2	1	3
49	Private	Reedmaker	4	100	101	2	1	3
50	Private	Luthier	4	100	135	2	1	3
51	Private	Blemmere	3	100	100	2	0	2
52	Private	Hillard	3	100	100	1	1	2
53	Private	Hillard	3	100	101	1	1	2
54	Private	Blemmere	3	100	122	2	0	2
55	Private	Coiner	2	50	56	2	0	2
56	Private	Coiner	2	50	72	2	0	2
57	Private	Luthier	4	100	169	2	1	3
58	Private	Jeweller SP1 M4(2)	4	100	111	2	1	3
59	Private	Luthier	4	100	156	2	1	3
60	Private	Jeweller SP1 M4(2)	4	100	130	2	1	3
61	Private	Luthier	4	100	166	2	1	3
62	Private	Reedmaker	4	100	112	2	1	3
63	Private	Jeweller SP1 M4(2)	4	100	174	2	1	3
64	Affordable	Baker	2	50	67	2	0	2
65	Affordable	Baker	2	50	84	2	0	2
66	Affordable	Tillman	3	100	104	2	0	2
67	Affordable	Tillman	3	100	101	2	0	2
68	Affordable	Baker	2	50	54	2	0	2
69	Affordable	Baker	2	50	76	2	0	2

70	Affordable	Baker	2	50	77	2	0	2
71	Affordable	Baker	2	50	75	2	0	2
72	Affordable	Baker	2	50	77	2	0	2
73	Affordable	Baker	2	50	54	2	0	2
74	Affordable	Baker	2	50	54	2	0	2
75	Affordable	Baker	2	50	64	2	0	2
76	Affordable	Tillman	3	100	100	2	0	2
77	Affordable	Tillman	3	100	111	2	0	2
78	Private	Jeweller SP1 M4(2)	4	100	106	2	1	3
79	Private	Luthier	4	100	129	2	1	3
80	Private	Luthier	4	100	245	2	1	3
81	Private	Luthier	4	100	225	2	1	3
82	Private	Jeweller SP2 M4(3)	4	100	104	2	1	3
83	Private	Luthier	4	100	118	2	1	3
84	Private	Reedmaker	4	100	155	2	1	3
85	Private	Luthier	4	100	112	2	1	3
86	Private	Jeweller SP1 M4(2)	4	100	105	2	1	3
87	Private	Coiner	2	50	77	2	0	2
88	Private	Coiner	2	50	79	2	0	2
89	Private	Blemmere	3	100	100	1	1	2
90	Private	Luthier	4	100	113	2	1	3
91	Private	Reedmaker	4	100	100	2	1	3
92	Private	Hillard	3	100	123	1	1	2
93	Private	Hillard	3	100	140	1	1	2
94	Private	Jeweller SP1 M4(2)	4	100	152	2	1	3
95	Private	Luthier	4	100	143	2	1	3
96	Private	Luthier	4	100	113	2	1	3
97	Private	Luthier	4	100	109	2	1	3
98	Private	Luthier	4	100	105	2	1	3
99	Private	Jeweller SP1 M4(2)	4	100	120	2	1	3
100	Affordable	Baker	2	50	56	2	0	2
101	Affordable	Baker	2	50	57	2	0	2
102	Affordable	Tillman	3	100	107	2	0	2
103	Affordable	Tillman	3	100	102	2	0	2
104	Affordable	Tillman	3	100	103	2	0	2
105	Affordable	Cartographer	4	100	101	3	0	3

106	Private	Quilter SP1	3	100	100	1	1	2
107	Private	Quilter SP1	3	100	106	1	1	2
108	Private	Jeweller SP2 M4(3)	4	100	100	2	1	3
109	Affordable	Bungalow	2	50	63	2	0	2
110	Affordable	Bungalow	2	50	105	2	0	2
111	Affordable	Bungalow	2	50	80	2	0	2
112	Affordable	Bungalow	2	50	78	2	0	2
113	Affordable	Tillman	3	100	107	2	0	2
114	Affordable	Baker	2	50	57	2	0	2
115	Affordable	Baker	2	50	50	2	0	2
116	Affordable	Baker	2	50	55	2	0	2
117	Affordable	Baker	2	50	50	2	0	2
118	Affordable	HA50	1			1	0	1
119	Affordable	HA50	1			1	0	1
120	Affordable	HA50	1			1	0	1
121	Affordable	HA50	1			1	0	1
122	Affordable	Baker	2	50	52	2	0	2
123	Affordable	Tillman	3	100	106	2	0	2
124	Private	Coppersmith	3	100	116	2	0	2
125	Affordable	Baker	2	50	65	2	0	2
126	Affordable	Baker	2	50	70	2	0	2
127	Affordable	Tillman	3	100	118	2	0	2
128	Affordable	Cartographer	4	100	109	3	0	3
129	Affordable	Baker	2	50	52	2	0	2
130	Affordable	Baker	2	50	76	2	0	2
131	Private	Coppersmith	3	100	107	1	1	2
132	Private	Blemmere	3	100	100	1	1	2
133	Private	Hillard	3	100	105	1	1	2
134	Private	Hillard	3	100	104	1	1	2
135	Private	Hillard	3	100	146	1	1	2
136	Private	Coiner	2	50	88	2	0	2
137	Private	Coiner	2	50	92	2	0	2
138	Private	Hillard	3	100	144	2	1	3
139	Private	Quilter SP1	3	100	100	2	0	2
140	Private	Blemmere	3	100	100	2	0	2
141	Private	Quilter SP1	3	100	100	2	0	2

142	Private	Quilter SP1	3	100	100	2	0	2
143	Affordable	Baker	2	50	61	2	0	2
144	Affordable	Baker	2	50	90	2	0	2
145	Affordable	Baker	2	50	90	2	0	2
146	Affordable	Baker	2	50	60	2	0	2
147	Affordable	Baker	2	50	61	2	0	2
148	Affordable	Baker	2	50	58	2	0	2
149	Affordable	Baker	2	50	72	2	0	2
150	Private	Blemmere	3	100	135	2	0	2
Total						281	67	348



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

UTT/18/0824/OP (SAFFRON WALDEN)

(Major)

PROPOSAL: Outline planning application for the development of up to 150 dwellings (Use Class C3) with all matters reserved except access

LOCATION: Land East of Thaxted Road Saffron Walden

APPLICANT: Kier Ventures Limited

AGENT: Kier Living Eastern

EXPIRY DATE: 4 July 2018

CASE OFFICER: Maria Shoesmith

1. NOTATION

1.1 Outside Development Limits (small section within Developments Limits Policy SW5), Airport Safeguard Zone, Public Rights of Way

2. DESCRIPTION OF SITE

2.1 The application site is located east of Thaxted Road on the south eastern edge of the market town.

2.2 The site is of arable fields and lies within the rolling landscape of the River Cam/Granta. The M11 is to the west of the town and 5km from Audley End Station. It is adjacent to residential dwellings to the north and northwest, Lord Butler Leisure Centre and the skate park is located to the west, Shire Hill Farm northeast and the Kilns and Granite site, also Brick Kiln Lee Farm is located to the southeast of the site.

2.3 The character of the area surrounding the application site changes from one which is of an urban nature, to countryside, to one that is commercial/industrial.

2.4 The application site comprises an area of 7.9ha (19.6acres).

2.5 The northern parcel of land's highest ground level runs along the northern and eastern boundary (93.7m AOD) with the land sloping towards Thaxted Road to the south (reducing to 74.2m AOD). There is a water course that runs east to west across the site.

2.6 There are footpaths, bridleway and byway that either run along the perimeter of the site or through the site.

3. PROPOSAL

3.1 The submission is for Outline planning permission with all matters reserved except access.

- Provision of up to 150 dwellings including affordable housing;
- Mixed housing types and tenure

- Substantial new areas of public recreation and open space providing for all ages, range of formal and informal spaces
 - A network of public footpaths, cycle routes linking to the existing network and surrounding countryside;
 - New signalised junction along Thaxted Road serving the new residential development;
 - Effective access to existing public transport along Thaxted Road;
 - Creation of greenway corridors
- 3.2 The scheme would provide 40% affordable housing with a mixture of tenure, both rent and shared equity. 5% bungalows will be provided across all tenures.
- 3.3 The application would involve the necessary highway improvements and contribution towards highway improvements in order to accommodate the proposed development. The access is the only detailed part of the application by which this would be traffic controlled.
- 3.4 Within the master plan some of the key design principle would be to maintain public rights of way, green corridors both in terms of level of open space, preserving and enhancing wildlife, residential landscape buffer zone between the proposed and the existing commercial sites. The average density across the site would be 19.7 dwellings per hectare gross and 35dph net.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 Town and Country Planning (Environmental Assessment): The proposal is not a Schedule 1 development, exceeds the threshold criteria of Schedule 2, however the application has been screened and an Environmental Assessment is not required.
- 4.2 Human Rights Act considerations: There may be implications under Article 1 and Article 8 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

5. APPLICANT'S CASE

- 5.1 The following documents have been submitted in support of the application;
- Design and Access Statement (Savills, March 2018);
 - Landscape and Visual Impact Assessment (The Landscape Partnership, March 2018);
 - Revised Transport Assessment (PBS, September 2018);
 - Suds Checklist
 - Foul Sewerage And Utilities Assessment (Woods Hardwick, March 2018);
 - Statement Of Agricultural Land Classification (Kier, March 2018);
 - Residential Travel Plan (PBA, March 2018);
 - Air Quality Assessment (PBA, March 2018);
 - Sustainability Statement
 - Biodiversity Checklist
 - Statement Of Community Involvement (Savills, March 2018);

- Planning Statement (Savills, March 2018);
- Ecological Appraisal
- FRA And Drainage Strategy (Woods Hardwick, March 2018);
- Archaeological Desk-Based Assessment And Survey Work (Oxford Archaeology East, December 2017);
- Phase 2 Geo-Environmental (BRD, December 2017)

Plans:

- Location Plan
- Development Framework Plan
- Application Boundary Plan
- Site Access And Intervisibility Splay

Within the D & A statement it is stated that the development has been designed to meet the following objectives;

- Positive identity to ensure that the new development responds to the site and contextual opportunities, so fully integrating with its surroundings and defining new spaces.
- Viable and sustainable place, which is deliverable and contributes in a positive way to the long term economic viability of the area.
- A connected place which links and integrates with the existing community of Saffron Walden.
- Welcoming place which helps to foster a strong scene of place and community.
- Delivering best practice in development which is responsive to the environmental constraints, including the existing mature landscaped boundaries.
- Quality homes for a wide range of local needs, space to live and play, good access to facilities, public transport and a place people can be proud of.

5.2 **Statement of Community Engagement:**

5.3 In terms of early engagement pre-application discussions were held in February 2018.

5.4 A public exhibition was held on Monday 26 February 2018 (between 3pm-8pm) at the Lord Butler Leisure Centre. This was advertised in the Saffron Walden Reporter Thursday 15 February 2018 and an identical notice was published in the Walden Local 14th February 2018

5.5 The applicant invited a number of Officers and Councillors to the exhibition.

5.6 The date and time chosen for the exhibition was so that it allowed good opportunity for the community to attend.

5.7 The exhibition boards were provided which explained the following:

- The purpose of the event, how to provide feedback and information about how the feedback will be considered;
- Who Kier Living are and what they do;

- The planning history of the site;
- The relevant planning policy context;
- Site analysis;
- The proposed development;
- Information about access, accessibility and air quality; and
- The key benefits of the scheme.

5.8 50 people attended the exhibition. Of which 19 feedback forms were completed raising the following;

“Of the feedback received, the majority of residents did not support the proposals in their current form; however, a number of the comments did contain positive references, particularly regarding the green space and play area on the Illustrative Layout. Other positive comments included the provision of bungalows, with some residents requesting a higher provision.

The other key themes from the responses regarded flood, air quality, road width, traffic, and infrastructure capacity.”

The comments received would be addressed through the above documents (Section 5.1) that have been submitted in support of the application.

6. RELEVANT SITE HISTORY

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

Kier Site:

UTT/13/2060/OP - Outline application with all matters reserved except access for residential development of up to 300 dwellings, pavilion building, extension to skate park and provision of land for open space/recreation use, including an option for a new primary school on a 2.4 ha site – Refused 02 May 2014, dismissed at appeal

- ❖ The planning application was refused on the following grounds;
 1. The proposal is considered to be an unsustainable form of development in this location as it lies outside the development limits of Saffron Walden within the Countryside, contrary to policies S1 and S7 of the Uttlesford Local Plan 2005.
 2. The proposal would result in the loss of Grade 2 agricultural land which forms a traditional open space on the approach to Saffron Walden, contrary to policies S7, ENV3 and ENV5 of the Uttlesford Local Plan 2005.
 3. The proposal by reason of its size and scale would give rise to unacceptable levels of air quality within Saffron Walden which can have a harmful impact on human health, contrary to policy ENV13 of the Uttlesford Local Plan 2005.
 4. The development hereby permitted would increase the pressure on the local infrastructure within the district, as listed within the schedule of Heads of Terms of the Addendum report presented to the 30th April Planning Committee (page 7 & 8). In the absence of any legal agreement to address this, the application fails to fully mitigate the impacts of the development contrary to Policy GEN6 of the Uttlesford Local Plan 2005.

- ❖ In terms of the appeal decision it concluded the following;
 - Would not have a significant adverse effect on the character and appearance of the area. It would not conflict with those aims of local plan policy S7 that seek to protect the intrinsic character and beauty of the countryside.
 - The DLP Inspector was concerned that the function and specification of the link road and its benefits had not been explained. However, the traffic modelling evidence for the appeal shows that it would assist in providing relief to the Thaxted Road/Radwinter Road junction and the local highway authority indicates that the intention is to channel traffic away from the town centre, forming a new cross town route. This would be in conjunction with a range of junction improvements around the town but I have indicated above my misgivings about these. With the withdrawal of the plan and no planning application for the central section of the Policy 1 allocation, there is no clear timescale for the delivery of the full link road.
 - Overall, I can attach only very limited weight to the provision made for the link road in the appeal scheme or to any benefits that might result from the full route in the light of the uncertainties about delivery.
 - Development should only be prevented or refused on transport grounds where the residual cumulative impacts of that development are severe. Given the number of junctions in the town that would be affected and the existing peak hour congestion, it has not been satisfactorily demonstrated that this would not be the case here. My conclusion is therefore that the proposed development would have a materially adverse effect on the efficient operation of the local highway network. In that regard it would conflict with the aims of LP Policy GEN1 which, amongst other things, seeks to ensure that traffic generated by development is capable of being accommodated by the surrounding highway network.
 - No material adverse effect on air quality in Saffron Walden in accordance with Local Plan Policy ENV13 and the NPPF
 - No unacceptable noise and disturbance would result to nearby residents due to the skate park as the design is a reserved matter and any disruption from construction could be mitigated through condition.
 - The Saffron Walden site allocations (2013) were found to be sound by the DLP Inspector. Whilst the loss of best and most versatile land would be modest in the context of general quality of agricultural land in the District, it is considered to be a dis-benefit, however in the circumstances would only carry limited weight but is in conflict with ENV5.
 - “The Uttlesford Open Space, Sport Facility and Playing Pitch Strategy (2012) identify a District-wide need for some, but not all, types of sports pitches. However, while local sports clubs identified specific issues and aspirations for their organisations, there is no overall quantitative needs assessment for further provision in Saffron Walden itself.....Overall, in

the light of these considerations, I conclude that the proposed development would not have a significant adverse effect on local infrastructure and services. It would therefore accord with the aims of LP Policy GEN6 which seeks to ensure that provision is made for infrastructure made necessary by development.”

- The DLP Inspector for the Draft 2013 Withdrawn Plan when finding the site allocation sound found no location concerns relating to sustainable transport and access to services.
- “The distances to several facilities are further than desirable but there is a reasonable range within a preferred maximum according to Institution of Highways and Transportation guidelines. The existing leisure centre and an Aldi supermarket, under construction, are adjacent to the site and there are employment opportunities at Shire Hill industrial estate.” There are no dedicated cycling facilities in Saffron Walden. Contribution towards Wenden Road cycle way facility whilst outside of the town would assist in access to the railway station, everything else is at a reasonable cycling distance.
- On balance the application was refused on the basis of highway impact upon the network as quotes in paragraphs 36-39.

Little Walden Road:

UTT/16/2210/OP - Outline planning permission for up to 85 residential dwellings (including 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Little Walden Road and associated ancillary works. All matters to be reserved with the exception of the main site access. Refused 23 December 2016, allowed on appeal 21 August 2017

Limes Avenue:

UTT/17/0255/FUL - Erection of 31 no. Dwellings with associated roads, car parking and landscaping - Approved 04 December 2017

Linden Homes:

UTT/13/3467/OP - Outline planning application for either a residential development of up to 230 dwellings; Class B1 Business floorspace, extra care housing within Class C2, provision of public open space or for development of up to 200 dwellings, Class B1 Business floorspace, extra care housing within Class C2, provision of public open space, provision of land for a one form entry primary school; together with associated infrastructure including roads, drainage, access details from Radwinter Road and Shire Hill, with all matters reserved except access – Approved 26 May 2015

UTT/16/1856/DFO - Application for the approval of matters reserved by outline planning permission UTT/13/3467/OP comprising the erection of 200 dwellings of mixed size and tenure, including link road, residential access roads, public open space, surface water attenuation areas and landscaping, and access to and preparation of land for a one form entry primary school - Approved 13 January 2017

UTT/17/3426/OP – Outline application, with all matters reserved except for access, for Extra Care Housing (Use Class C2) together with associated infrastructure including road, drainage and access – resolved to be approved, awaiting S106

UTT/17/3429/OP - Outline planning application, with all matters reserved except for access, for Business Use (Use Class B1) together with associated infrastructure including roads, drainage, access details from Shire Hill. - resolved to be approved, awaiting S106

Kilns:

UTT/13/1937/OP – Outline application for up to 52 dwellings with all matters reserved except access – approved October 2013

UTT/16/1444/OP – Outline application, with all matters reserved except for access, for a residential development of up to 49 dwellings. Previously approved under UTT/13/1937/OP – Approved 16 November 2016

UTT/17/3038/DFO - Details following outline approval UTT/16/1444/OP for 35 no. dwellings comprising 21 market homes and 14 affordable homes. Details of appearance, landscaping, layout and scale. - Approved 15 February 2018

Tiptoffs:

UTT/13/2615/FUL - Highbank And Hillview Thaxted Road - Erection of 2 No. detached replacement dwellings – approved 25.11.2013

UTT/15/1955/FUL - Tiptoffs Lane (formerly Land Adj To Hill View Thaxted Road) - Erection of 5 no. dwellings and 3 no. garages (amended scheme to that approved under planning permission UTT/15/0026/FUL)- approved August 2015

Ridgeons:

UTT/13/2423/OP – Outline application for redevelopment of the site to provide up to 1.25 hectares of land to be used as a Builders Merchant and Yard (Use Class B8), up to 0.47 hectares of land to be used as Offices (B1(a)), up to 0.4 hectares of land to be used for Offices and/or Research and Development and/or Light Industrial (Use Class B1 (a), (b) and (c)), up to 1.16ha of land for use as Business, General Industrial and Storage and Distribution uses (Use Classes B1, B2 and/or B8), a Local Centre of up to 0.86ha for uses falling within Use Class A1, including a local retail store (with the net A1 retail floor space limited to 279m²), a cafe/restaurant/public house (Use Classes A3 and A4), a hotel (Use Class C1), up to 167 dwellings including affordable housing (Use Class C3) to be provided on 4.78 ha of land, together with public open space, landscaping and the provision of supporting infrastructure including replacement substations, and the demolition of existing buildings, with all matters reserved except for access. - Approved 26 November 2014

UTT/15/0455/DFO - Reserved matters following outline application UTT/13/2423/OP, for replacement Ridgeons building, commercial access road, and bus turning area together with fencing, retaining walls, fuel tank, cycle parking, substations external racking and associated works. - Approved 2 July 2015

UTT/16/2701/DFO - Reserved Matters (appearance, landscaping, layout and scale) pursuant to UTT/13/2423/OP for Phases 1b, 2 and 4 to provide 160 dwelling houses with associated car and cycle parking, hard and soft landscaping, 5-a-side football pitch and utilities & infrastructure including details pursuant to conditions 4 (accessibility), 11 (sub-station), 18 (electronic vehicle charging points) and 27 (rainwater harvesting) of outline permission UTT/13/2423/OP - Approved 13 February 2017

Granite Site:

UTT/18/1299/FUL - Amendments to planning application UTT/13/0268/FUL, incorporating amendments approved under UTT/17/1782/FUL to allow the change of use of Unit 3 from Class A1 retail to Class D2 Gym - Approved subject to conditions and S106 Agreement

UTT/18/1303/FUL - Application to vary condition 7 of planning permission UTT/17/1782/FUL (Amendment to application UTT/13/0268/FUL in terms of design and layout, variation of conditions 8 and 27 to amend the control over retail space details relating to materials, landscaping, cycle parking energy efficiency, lighting, drainage and remediation included) to allow for the unrestricted sale of Class A1 goods (non-food only) and the insertion of a mezzanine floor. Approved subject to conditions and S106 Agreement

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

Planning permission was granted for “Demolition of the existing buildings and redevelopment to comprise retail warehouse units and associated garden centre (Class A1), a discount foodstore (Class A1), and a cafe (Class A3), including associated landscaping, car park, access, internal roads and cycle/footway, including the provision of access to adjoining land.” (UTT/13/0268/FUL, 10 May 2013).

UTT/18/2366/FUL – Construction of Use Class C1 hotel with ancillary restaurant; provision of car parking; landscaping; relocation of substation; and associated development - pending consideration

Material outstanding applications for consideration:

UTT/17/2832/OP - Outline application (with all matters reserved except access) for up to 100 dwellings, including affordable accommodation, in addition to the provision of land to facilitate an extension to the approved primary school (Planning Application Ref: UTT/13/3467/OP), and associated open space, drainage, landscaping, access and parking. - Land North Of Shire Hill Farm Shire Hill Saffron Walden Essex

6.2 It should be noted that the application site, the subject of this application once formed part of a larger draft allocation site which included the Linden Homes site to the north and a much larger Kier site as part of the withdrawn 2014 draft local plan.

7. POLICIES

7.1 National Policies

- National Planning Policy Framework

7.2 Uttlesford Local Plan (2005)

- S1 Development Limits for the Main Urban Areas
- S7 Countryside
- GEN1 Access
- GEN2 Design

- GEN3 Flood Risk
- GEN4 Good Neighbourliness
- GEN5 Light Pollution
- GEN6 Infrastructure Provision to Support Development
- GEN7 Nature Conservation
- GEN8 Vehicle Parking Standards
- ENV4 Ancient Monuments and Sites of Archaeological Importance
- ENV5 Protection of Agricultural Land
- ENV12 Protection of Water Resources
- ENV13 Exposure to Poor Air Quality
- ENV14 Contaminated Land
- ENV15 Renewable Energy
- H9 Affordable Housing
- H10 Housing Mix
- LC2 Access to Leisure and Cultural Facilities
- LC3 Community Facility
- LC4 Provision of Outdoor Sports and Recreation Facilities Beyond Development Limits

7.3 **Emerging Draft Local Plan – Regulation 19 (Pre-Submission Stage)**

- Policy SP 1 - Presumption in Favour of Sustainable Development
- Policy SP 2 - The Spatial Strategy 2011-2033
- Policy H 1 - Housing Density
- Policy H 2 - Housing Mix
- Policy H 6 - Affordable Housing
- Policy H 10 - Accessible and Adaptable Homes
- Policy D 1 - High Quality Design
- Policy D 8 - Sustainable Design and Construction
- Policy D 9 - Minimising Carbon Dioxide Emissions
- Policy INF 1 - Infrastructure Delivery
- Policy TA 1 - Accessible Development
- Policy TA2 - Sustainable Transport
- Policy TA 3 - Vehicle Parking Standards
- Policy TA 4 - New Transport Infrastructure or Measures
- Policy EN5 - Scheduled Monuments and Sites of Archaeological Importance
- Policy EN 7 - Protecting and Enhancing the Natural Environment
- Policy EN 10 - Minimising Flood Risk
- Policy EN 11 - Surface Water Flooding
- Policy EN 12 - Protection of Water Resources
- Policy EN 14 - Pollutants
- Policy EN 15 - Air Quality
- Policy EN 16 - Contaminated Land
- Policy EN 18 - Light Pollution
- Policy C 1 - Protection of Landscape Character
- Policy SAF 1 - Land north of Thaxted Road

8. Saffron Walden Town Council

8.1 Object to application;

- Loss of agricultural land;

- Loss of countryside;
- Increased pollution in the AQMA;
- Over crowded education;
- Pressure on health provision;
- Pressure on water cycle;
- Development on wrong side of town - highway impact;
- Development would deliver fewer affordable housing and community contributions;
- Concerns that the proposed mitigation in the Highway Impact Assessment 2013 which forms part of the local plan work would not address traffic implications nor encourage no car travel;
- S106 contributions would need to be substantial and take a sustainable approach considering no car modes of travel;
- Development is contrary to local plan policies S1, S7, ENV5, GEN1, GEN6, ENV3

9. CONSULTATIONS

Anglia Water

9.1 No assets owned by Anglia Water

There is capacity in the wastewater treatment plant and the sewerage system network for the proposed water flows.

Should the surface water management change or wish to connect the sewerage network then Anglia would need to be re-consulted.

Natural England

9.2 No comment.

NHS

9.3 The proposed development will have an impact upon 2 GP practices in the area and they do not have the capacity for the growth resulting from the development and the cumulative impact.

The development will also have an impact upon the NHS funding program for delivery of healthcare provision and the specifically the health catchment of the development.

The application recognises that a capital contribution will be required to mitigate primary healthcare impacts arising from the proposed development.

Therefore a sum of £59,133 is required to mitigate the development and in order to make the scheme sustainable and requests that this sum is secured by of Section 106 Agreement. Subject to this no objection is raised.

ECC Ecology

9.4 *Letter dated 18/4/18*

Holding objection on insufficient information

The ecology report recommends further surveys such as spring bat activity and remote survey for bats. I recommend this is provided prior to determination. The report states that these surveys are underway. This is needed to enable the LPA to demonstrate its compliance with its statutory duties including biodiversity under s40 NERC Act 2006.

9.4.1 *Letter dated 23/10/2018*

No objection subject to securing biodiversity mitigation and enhancement measures.

I have reviewed the Update Ecological Appraisal (Bioscan, May 2018) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, particularly bats and identification of proportionate mitigation. The bat activity surveys indicated that the hedgerows on the site are important for barbastelle bats. The mitigation for the site focuses on the protection of these networks and should inform the site design.

- 9.4.2 The Badger Report (Bioscan Dec 2017) states that there are two setts; it states that only one was in use at the time of survey. Both of these need to be protected from development by 20m within the design or an application to close the sett needs to be applied for from Natural England.
I am satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. I support the reasonable biodiversity enhancements that should also be secured by a condition on any consent.
- 9.4.3 This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.
- 9.4.4 The mitigation measures identified in the Update Ecological Appraisal (Bioscan, May 2018) should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species particularly local bat populations and activity. 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.

Cadent

- 9.5 Gas apparatus has been identified within the site boundary and therefore may include private interest in the land. Applicant must ensure that Cadent's legal interest is not infringed.

Any buildings or structures above the gas apparatus then they will need to be diverted.

Informative: Due to the presence of Cadent and /National I Grid apparatus in the proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

ECC Archaeology

- 9.6 No objection subject to conditions on programme of trial trenching followed by open excavation.

Affinity Water

- 9.7 The proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Debden Road Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.
- 9.7.1 The construction works and operation of the proposed development site should be conducted 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".

NATS

9.8 No safeguarding objection.

MAG

9.9 The safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aero drone Safeguarding criteria. Stansted Airport has no objections to the proposal.

Open Spaces LC for Essex

9.10 3m wide fenced off buffer to be provided for FP37 bordering nw of the site hedged off from the development to keep the rural nature of the FP and allow wildlife in the bordering hedges.

Existing hedge should be retained and enhanced.

Gaps in the hedge for residents to access the footpath may help.

Shire hill junction has been neglected, please can this be tree lined.

Where possible where the site and the NE of the field speed restriction measures to be installed where Bridleway 19 crosses with staggered pedestrian barriers.

UDC Housing Officer

9.11 40 % affordable housing to be provided (60 units based on 150) with 5% wheelchair accessible and bungalows (8 units - 4 affordable and 4 open market units).

ECC Education

9.12 The proposed development would generate the need for jump to 13.5 early years and child care places, 45 primary school and 30 secondary school places. As a result a contribution of £17,422 per place is required. Based demand generated from the proposal contribution of £235,197 (indexed linked April 2018) I'd sought to mitigate the coal impact upon EY &C provision.

In terms of primary school provision £15,282 per place = £687,645 (indexed)

In terms of secondary £23,214 per place =£696,420

Crime Prevention Officer

9.13 Welcome opportunity to consult with developer at pre-application stage to discuss obligations under policy GEN2 and to achieve Secured of Design award.

ECC SUDs

9.14 *Letter dated 13 June 2018*

Objection due to insufficient information relating to sufficient storage, urban creep, indicative drainage plan.

9.14.1 *Letter dated 9 July 2018*

No objection subject to conditions.

UK Power Networks

9.15 I have also enclosed a fact sheet which contains important information regarding the use of our plans and working around our equipment. Safety around our equipment is

our number one priority so please ensure you have completed all workplace risk assessments before you begin any works. Should your excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact us to obtain a copy of the primary route drawings and associated cross sections.

ECC Highways

9.16 With the National Planning Policy Framework in mind, the Highway Authority has reviewed the planning application and supporting transport assessment against its own Development Management Policies to ensure the proposal site can be accessed safely and any additional trips would not be detrimental to highway safety and capacity as well as to ensure as far as possible the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking. The Highway Authority has visited the proposal site and assessed its suitability against its own knowledge of the highway network and information it holds in this regard. The Highway Authority is content the proposal would not be detrimental to highway safety and capacity and would be accessible by public transport, cycling and walking. With the above in mind, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

9.16.1 Were the Local Planning Authority minded to grant planning permission, the Highway Authority would advise to also do so for adjoining planning application UTT/17/2832/OP, thereby enabling the creation of a link road between Radwinter Road and Thaxted Road. This would enable traffic to route away from the existing highway network, in particular the Radwinter Road/Thaxted Road/East Street/Chaters Hill traffic signal controlled junction. The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate. In making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only.

Environmental Health

9.17 *Scheme in isolation*

This proposal for 150 dwellings by Kier Living Ltd lies within 300m of the south eastern extent of Saffron Walden Air Quality Management Area, declared due to NO₂ exceedances of national air quality objectives at some junctions in the town centre. Additional traffic as a result of the proposal will impact on these junctions, and very careful analysis is required, taking account of available national guidance, of the potential for an adverse effect on air quality and human health, and the extent to which it can be mitigated.

9.17.1 To inform the analysis, UDC has commissioned a peer review of the technical aspects of the Air Quality Assessment supporting the application, prepared by Peter Brett Associates (PBA) ref: 41317/3002. The review was carried out by Air Quality Experts Global Ltd (AQEG) and included examination of the suitability of input data, processing, and set up of the dispersion model used by PBA to predict levels of emissions in the opening year of the proposed development. AQEG went on to undertake their own modelling using the data to test the performance of the PBA model and consider the level of uncertainty associated with the conclusions. The report of the review will be submitted. It has highlighted a number of areas of uncertainty in the modelling.

9.17.2 Traffic data used by PBA has assumed a 90/10 north/south split at the access to the site off the eastern side of Thaxted Road. This is considered a worst case scenario, as agreed by Essex Highways for the previous application by Kier under

UTT/13/2060/OP. Equal speed data was assigned to both the 2023 opening year of the study and the 2016 baseline scenario, an approach which may be unrealistic due to additional congestion on the local road network, and in turn may underestimate future emissions. To add to the uncertainty, queuing at traffic signals, notably at the Thaxted Rd/ Radwinter Road junction, has not been explicitly modelled.

- 9.17.3 Part of the assessment process requires addition of the new source of NO₂ emissions as a result of the proposal, to background levels of NO₂ which are expected to be present in the opening year. It is considered best practice now to keep background values equal to baseline conditions, especially when the opening year is no more than 5 years distant from baseline. This is to reflect background concentrations levels not falling as initially predicted by Defra within their data for UK background levels provided for future years. The AQA has modelled outcomes at receptors which are likely to be worst affected by additional traffic. Background concentrations and emissions factors for an opening year of 2020 have been used, and assumes all traffic from the development will be on the local road network that year. In reality it will be later, therefore a sensitivity test has been carried out using 2021 data to demonstrate the effect of emissions falling as expected. No exceedances of air quality are predicted at the receptors with the sensitivity test. However, if emissions do not fall as expected by the future years' data, it follows that background levels will be a higher component of the total than modelled. UDC has not observed a clear decline at its background monitoring sites over recent years, and although the model will be conservative in relation to the 2023 traffic levels used, it has not adopted the most conservative approach by keeping future background levels to those for 2016 baseline. For consistency, the peer review has used background levels and emission factors for 2023, the same year as the traffic data.
- 9.17.4 The performance of a model must be verified, and adjusted if necessary, against monitored data. The model was verified against data from three monitoring locations in Saffron Walden including within street canyons, where dispersion is impeded by the geography of the road in relation to buildings alongside, and provided an acceptable margin of error. However, monitoring locations at congested traffic conditions were not used. Part of the peer review exercise derived separate adjustment factors for different scenarios of receptor locations including at congested junctions with the town where highest emissions have been recorded, and found that that by not using a wider range of verification sites, the PBA model is likely to underestimate the impacts in the opening year at some locations where elevated levels of NO₂ have been observed.
- 9.17.5 Combined with the non-conservative use of background concentrations at the processing stage, the contributions to local emissions and likely exceedances for both 2016 baseline and opening year scenarios are significantly underestimated at queuing/congested locations.
- 9.17.6 As no exceedances at sensitive receptors are predicted under the sensitivity test analysis by PBA, no mitigation is proposed. The areas of uncertainty identified suggest the conclusions of the assessment in placing reliance on expected vehicular emissions reductions are unacceptable. The impact on air quality at sensitive receptors must therefore be minimised to avoid an adverse impact on the AQMA.
- 9.17.7 The principles of the NPPF require development to contribute towards national objectives for pollutants, taking account of the presence of an AQMA and the cumulative impacts on air quality from individual sites, and measures should be sought designed to offset the impact arising from the development by minimising additional vehicles on the road network and supporting use of low emission vehicles.

- 9.17.8 In support of local policies, the peer review has suggested the following are considered:
- a) Suitable mitigation is sought from the applicant to remove the additional NO_x emissions per year resulting from the operation of the proposed development
 - b) There is a need to deliver mitigation measures to reduce the impacts within the AQMA. In addition to the design and implementation of the link road proposed, it is advised a low emission strategy (LES) is developed to further reduce the impacts of the proposal on local air quality, particularly at hot spot locations. The LES must address ways to reduce traffic emissions through a pack of selected measures with clear quantification of the annual NO_x emission reductions achieved.
 - c) A S106 contribution to Highways schemes / Traffic Management strategies and Systems is sought to alleviate congestion at sensitive locations of the amount of the equivalent damage cost for NO_x emissions generated by the proposed development
 - d) The need to fully analyse and quantify the cumulative impacts of the current application with other significant developments within the area of influence of the proposed development (e.g. UTT/17/2832/OP), especially at sensitive areas within the AQMA.
- 9.17.9 The potential for adverse impact on the AQMA is too great to approve this proposal without road network and other mitigation measures. If other considerations make a recommendation for approval for the proposal likely, consent should also be considered for the proposal under UTT/17/2832/OP to allow the delivery of a road between Thaxted Road and Radwinter Road linking at the boundary of the two proposal sites, and constructed to Essex Highway specification. An analysis of the cumulative impact on air quality has been carried out, the findings of which will be provided under separate documentation, and concludes that routing of traffic through the link would offer some air quality benefits to the AQMA. No other effective traffic management measures are realistic, and whilst measures to encourage use of low emission vehicles and promote non car travel must be provided, these alone will not be sufficient to reduce the risk to adverse impact on air quality to an acceptable level.
- 9.17.10 **Construction phase:**
Additional vehicles on local road network during the construction phase will impact on road users and residents, and the phase itself has the potential to raise fine particulate levels and give rise to loss of amenity due to dust. Careful management is needed to reduce the risk, and the AQA sets out details of how this will be mitigated. A condition to ensure this takes place is recommended:
- 9.17.11 Before the commencement of development on a plot or phase, a detailed scheme Construction Environmental Management Plan including measures to protect air quality during the construction of that plot or phase shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the scheme. The plan must include:
1. The access and route arrangements to the plot or phase in connection with the construction of the development
 2. Wheel cleaning facilities for the duration of the development on that plot or phase to prevent the deposition of mud and other debris onto the local road network and public areas
 3. Storage and loading/unloading of plant and materials used

4. Arrangements for monitoring levels of dust emitted during the construction phase

9.17.12 **Lighting**

The development has the potential to cause loss of amenity due to a new source of artificial lighting in the neighbourhood. The applicant should demonstrate that lighting will be at the minimum level necessary to achieve its purpose, with minimal glare and light spill. The following condition is requested to protect against loss of amenity:

9.17.13 “No fixed lighting shall be installed until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of the height of the lighting posts, intensity of the lights specified in Lux levels), spread of light including approximate spillage to the rear of the lighting posts or disturbance through glare. The development shall be carried out in accordance with the approved details”

9.17.14 **Contamination**

A Phase II Geo-environmental site investigation prepared by BRD Environmental Ltd has been submitted based on field works undertaken in 2013 to support the application made under UTT/13/2060/OP. The proposal is zone 2 of the previous application excluding the southern portion. The risks of migration of gas and other ground contaminants from land to the south historically used for contaminative uses, including landfill, has been adequately assessed, and no remediation or further investigation is necessary.

9.17.15 It is recommended that a condition as follows is applied to safeguard against the discovery of unforeseen contamination:

“In the event that contamination is found at any time when carrying out the approved development, it must be reported immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An investigation and risk assessment to assess the nature and extent of the contamination must be completed and submitted to and approved in writing by the Local Planning Authority. If identified as being necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health and other relevant receptors must be 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). Remediation of the site shall be carried out in accordance with the approved scheme. Within 3 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 the Local Planning Authority.”

9.17.16 No comments are visible from the Environment Agency, and as the site has been identified as being within a source protection zone overlying a principal aquifer, a condition to require measures for pollution prevention and control is recommended, to avoid harm to the water environment:

“Prior to the commencement of any development, a scheme for the provision and implementation of water pollution control shall be submitted and agreed in writing with the Local Authority. The development hereby permitted shall be constructed and completed in accordance with the approved plans/specifications.”

Cumulative Impact

- 9.17.17 As referred to in my comments dated 28th November, analysis and quantification of the cumulative air quality impacts of the proposal with other significant developments, including the proposal under UTT/17/2832/OP Land north of Shire Hill Farm, has been carried out. Included in the analysis are the potential benefits of a proposed spine road linking Thaxted Road and Radwinter Road, through the proposal site and the site defined in UTT/17/2832/OP.
- 9.17.18 UDC has commissioned Air Quality Experts Global Ltd (AQEG) to carry out the analysis, the summary of findings from which is appended to these comments. The full report of the analysis will be submitted once it is received by this section.
- 9.17.19 To inform the analysis, detailed emissions dispersion modelling was carried out to compare scenarios without development, development without mitigation, and development with mitigation in the form of a spine road. Traffic data for model input has been provided on behalf of both proposals for queuing conditions at traffic signals and congested junctions, which are a feature of the Air Quality Management Area (AQMA). The model has adopted a conservative approach for an opening year of 2023, and has a maximum uncertainty of plus or minus 2.4 ugm3.
- 9.17.20 The proposed spine road delivers improvement in air quality at some sites within the AQMA compared to no development. A minor worsening of concentrations is likely to occur outside the AQMA, back from the junction of the spine road and Radwinter Road, close to the care home development approved under UTT/17/3426/FUL. This is due to potential queuing of re-routed traffic. As the resultant levels in 2023 are predicted to be 9.6 ugm3 here, against a nitrogen dioxide air quality objective of 40 ugm3, the impact is negligible. The largest reduction in concentrations (-0.49 ugm3) within the AQMA, is predicted at Thaxted Road close to Shire Hill.
- 9.17.21 A sensitivity test has been carried out where no HGV traffic is allowed through the spine road, and has been found to deliver imperceptible improvements. As a result, no HGV restriction is necessary.
- 9.17.22 A slight adverse impact is predicted at the receptor 1 (R1) at the narrow part of Bridge Street just north of the junction with Castle Street, however the predicted resultant level of 31.2 ugm3 is well below the objective and falls further in 2024 onwards due to improved vehicle emissions and declining background levels of nitrogen dioxide. A minimal increase has been predicted at R2, located on the corner of Bridge Street and Castle Street background levels of nitrogen dioxide. However, the receptor location is at the corner kerb of the junction and there will be a further reduction of concentrations at the façade of the nearest residence at first floor level in Castle Street.
- 9.17.23 In addition to the spine road, mitigation can be achieved through delivery of local traffic management measures, including parking restrictions at sensitive locations to improve traffic flow. Such measures are beyond the control of the developers, and a S106 contribution should be sought to fund such schemes and other traffic management measures identified by Essex Highways as appropriate to reduce levels of traffic and traffic emissions within the AQMA.
- 9.17.24 Should consent be considered for both proposals, the following conditions are recommended for the proposal under UTT/18/0824/OP, in addition to delivery of the spine road:

1. All dwellings with garages/car ports shall be provided with vehicle electric charging points. 20% of parking bays shall be provided with EVcharging points, with additional 40% having capacity for future conversion. All points shall be fully wired and connected, ready to use before first occupation of the site and retained thereafter.
2. A robust travel information pack shall be provided to each householder to encourage the use of low emission/ zero emission vehicles and promote non car /single occupancy car travel.
3. Cycle / powered two wheeler parking shall be provided at each dwelling. The parking shall be secure, convenient, covered and provided prior to occupation.
4. Before the commencement of development, details of the provision of pedestrian and cycle use of the bridleway to Shire Hill and access on to Thaxted Road, to consist of a shared use footway/cycleway 3.5m wide, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, and thereafter implemented in accordance with the approved details.
5. Details of the provision of pedestrian and cyclist signs at key points along the appropriate routes to the town centre and rail railway station from the site, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, prior to the commencement of the development and thereafter implemented in accordance with the approved details.
6. All domestic boilers provided at dwellings shall incorporate best available technology to reduce nitrogen dioxide emissions. Details of the boilers shall be submitted to the Local Planning Authority prior to installation.

10. REPRESENTATIONS

10.1 The application has been advertised on site and within the local press. Neighbouring residential occupiers have also been consulted of the application. As a result the following points have been raised:

- Agricultural tenant - loss of income due to loss of land, no right of access, without permission from third party, unable to construct access from Thaxted rd. due to highway objection and land locked;
- Inadequate infrastructure roads/education/dr surgeries;
- increased road traffic through town/parking;
- congested streets;
- Increased air pollution/noise pollution /Impact on AQMA;
- Increased risk of flooding;
- Application was refused previously due to loss of agricultural land - loss effects economy;
- 3 story high properties on the hill would be out of keeping;
- Consideration of other sites futures and their cumulative impact
- Current level of house building in town cannot continue, it can't cope
- Overdevelopment;
- Unsuitable development;
- Loss of suitable habitat for local wildlife/ecology;

- Affordable housing included but the majority of dwellings aimed at people who want to move into this area, rather than people who currently live here, especially those on a low income.
- loss of countryside;
- Impact upon commuting;
- Impact on network of public footpaths;
- Impact on quality of life, increasing size of town
- Lack of reuse of empty properties and brownfield in cities
- Wrong side of town
- Number of houses constructed since last application;
- Need ring road built BEFORE any more houses
- Added further 200/250 cars onto Thaxted Road
- New village at great Chesterford is a better solution for housing need and new infrastructure;
- Flawed development
- Previous application refused on impact on traffic and roads;
- Scheme would also have an impact on businesses;
- Other new developments under construction impacting on traffic;
- New houses and villages proposed are not needed
- Friends school site should be considered in conjunction with current applications;
- Trying to get half the site approved to then follow with the rest;
- Contrary to policy one seeking alternative modes of transport
- Facilities more than 800m away, Town centre more than 1.8km away;
- No linking of existing footpath network;
- No safe pedestrian or cycle provision routes
- Congestion will be 4 times greater than Essex Highways report 2014
- Does not mitigate cumulative impact from other schemes;
- 150 cap on traffic
- Cumulative impact from development such as Linden homes and Ridgeons
- NHS requirement is shocking, should be asking for new clinic and shop
- Can't be viewed as a stand-alone project
- Severe cumulative impact contrary to para 39 of the NPPF
- Should not consider greenfield develop but brownfield as friends school
- Too dangerous to cycle
- Not needed to meet housing numbers of the local plan
- Unhealthy pattern of showing bias to developing site;

We Are Residents:

- o Unsustainable;
- o Reasons for appeal decision are still valid;
- o Worst location in saffron walden for development;
- o Increase car based travel;
- o Not in accordance with NPPF;
- o No education provision forms part of the application provides contribution but not school provision; (that is all that is required and is assessed in conjunction with the adjacent site)
- o Representation refers to 300 new dwellings (this refers to the previous application);
- o Reference to para 39 of appeal decision impact on highway network and para 67 highway capacity;
- o TA refers to major junctions operating at capacity;
- o UDC clear that a relief road between radwinter rd and thaxted rd is required but one is not proposed (this can be secured via s106);
- o ECC 2003 air quality assessment of SW predicts AQ will worsen;

- Pollution levels materially exceed limit values every year other than 2014;
- Development will breach EU levels; (no current figures provided)
- Disagree in inspectors findings on air quality;
- Employment not considered- unsustainable;
- Loss of BMV agricultural land contrary to policy ENV5;
- No regards to overall impact upon SW given;
- The development fails to meet the social role of sustainable development- no infrastructure and in the wrong place;
- The site has a lack of local services;
- The site is a distance from the rail station and includes an inadequate bus service;
- Increased use of motor cars;
- The development does not support sustainable transport and is in a unsustainable location;
- The site is not brownfield site, it is a greenfield site;
- No new infrastructure is included in the proposal;
- There is no provision for health or education;
- The site does not accord with UDC Employment land review, and will be remote from job creation;
- The submitted travel assessment fails to ensure the development will minimise the need to travel and use sustainable transport modes;
- The development does not promote a mix of uses to provide opportunities for day to day activities;
- Although the council does not have a 5 year housing supply this does not support unsustainable development;
- The development will increase air pollution, this is unacceptable;
- The development fails to meet the economic role of sustainable development;
- Saffron Walden is unattractive to employers due to high costs and poor access;
- Other area within the district would have preferred transport links;
- Saffron Walden is unattractive for businesses therefore unsustainable;
- The proposal will result in congestion; this is consistent with the planning inspector previous appeal decision;
- The development fails to meet the environmental role of sustainable development;
- Saffron Walden Ecological Footprint is above the Essex and England averages
- The development should provide a network of cycle and pedestrian networks;
- The submitted travel plans hold not positive weight;
- Existing road junctions will operate well above the designed capacity;
- The transport assessment does not give a realistic assessment of travel distances;
- People do not walk or cycle the distances required to get to facilities;
- The site does not promote access by public transport;
- The proposal does not include a relief road of which was a mitigation measure;
- The previous planning application was refused on air pollution;
- The Air Quality Assessment (AQA) is not fit for purpose;
- The impact of development on air quality is a valid reason for refusal;
- No mitigation for impact to air quality is included in the application;
- No education provisions are provided, even though ECC calculation states the need for additional education places;

- It would be appropriate for the local planning authority to consider cumulative effects;
 - The air quality assessments available shows there is risk of air qualities objectives;
 - The local planning authority should restrict further development in this area until improvement had been made;
 - The local planning authority has the right to refuse the application on these matters;
 - There is no further capacity for even small increase to air pollution within Saffron Walden;
 - A refusal due to the risk of exceedance of air quality objective would be consistent with the within the requirement of the NPPF.
- **Proof of evidence includes:**
 - Air quality Issues- Dr Michael Ball (2015)
 - Air quality Issues- Dr Michael Ball (2014)
 - Local Air Quality Management February 2009 (Policy Guidance PG09)
 - NPPF(2018)

11. APPRAISAL

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

- A Principle of development**
- B Design**
- C Mix of Housing and Affordable Housing**
- D Amenity & Air Pollution**
- E Highways**
- F Landscaping and Ecology**
- G Flood Risk and Drainage**
- H Archaeology**
- I Infrastructure provision to support the development**
- J Other material considerations**

A Principle of development

- 11.1 The Draft Local Plan is still at an early stage and has some but limited weight. At the present time the adopted Local Plan policies are still in force. However, the National Planning Policy Framework (NPPF) is a material planning consideration and this has a strong presumption in favour of sustainable development.
- 11.2 The application site is predominately located outside the development limits of Saffron Walden 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. 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 Policy S7 of the 2005 Local Plan.
- 11.3 A review of the Council's adopted policies and their compatibility with the NPPF has been carried out on behalf of the Council by Ann Skippers Planning. Whilst this compatibility report relates to the 2012 NPPF the thrust of the conclusions is still

considered relevant. Policy S7 is found to be partly consistent with the NPPF. The protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development, but the NPPF takes a positive approach, rather than a protective one, to appropriate development in rural areas. The policy strictly controls new building whereas the NPPF supports well designed new buildings to support sustainable growth and expansion of all types of business and enterprise in rural areas. As such this reduces the weight given to the restraint implied by Policy S7 and this must be weighed against the other sustainability principles.

11.4 The applicants have argued that Uttlesford cannot demonstrate an adequate 5 year supply of housing land. The Council recognises that it has a shortfall, and that it should consider favourably applications for sustainable residential development which will make a positive contribution towards meeting housing need. This position has not significantly altered since the original application in 2013 and the demand to meet the shortfall of housing has increasingly become critical.

11.5 The Housing Trajectory And 5-Year Land Supply Statement was released October 2018. The estimated number of completions each year is shown in the tables below.

Year	Delivery	Target based SHMA / standard methodology	Target based on standard methodology
2015/2016	554	568 ¹	632.8
2016/2017	722	641 ²	632.8
2017/2018	966	723 ³	632.8
TOTAL	2242	1932	1898.4
Over Supply		+310	+343.6

Housing Supply

Year	11/12	12/13	13/14	14/15	15/16	16/17	17/18	total
completions	521	540	390	463	554	722	966	4156

11.6 Housing Trajectory And 5-Year Land Supply Statement states that “The Council’s overall target over the next 5 year period is 4747 dwellings. The Council estimates that from sites with planning permission and windfall sites 2496 dwellings will be delivered over the next 5 years which provides the District with 3.46 years of supply.

11.7 If the draft allocations are included in the supply the Council estimates that 3210 dwellings will be delivered over the next 5 years which provides the District with 4.45 years of supply.” In order to meet the 5 year housing supply between periods 2018/19 – 2022/23 sites with Planning permission, windfall allowance and sites with draft allocation are taken into consideration.

11.8 The application site is located within the emerging draft local plan, which is at Regulation 19 stage, as an allocated site which is a material consideration and carries some weight in consideration. The site is also taken into consideration to meet the 5 year land supply which would equate to 5.1 years by 2022/2023.

- 11.9 As a consequence the Council still remains without a deliverable 5 year supply of housing land and therefore applications have to be considered against the guidance set out in the NPPF. The Council has accepted this previously and has considered and determined planning applications in this light. As a consequence, planning permission has been granted for residential development outside development limits where appropriate, on sites that are identified for potential future development in the emerging Local Plan and on sites which are not identified but which are considered to be sustainable. This is especially true for proposals on draft allocation sites, as is the subject of this application, but others as well, to ensure delivery in the future and to ensure that the level of housing supply is robust.
- 11.10 The NPPF sets out a presumption in favour of sustainable development. This is reflected in emerging draft Policy SP1.
- 11.11 The core principles of the NPPF set out the three strands of sustainable development. These are the economic role, social role and environmental role. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. It is therefore necessary to consider these three principles.
- 11.12 **Economic strand:**
The NPPF identifies this as contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure. Whilst the proposed development does not directly provide employment it has been stated within the Design and Access Statement that the proposed development of residential dwelling would provide short term employment for locals during the construction of the site, however it would also support existing local services and provide the possibility of small start-up businesses. The proposed development would assist in the economic vitality and viability of the town and surrounding local area. The site is near Shire Hill Industrial Estate and Granite Retail Warehousing Estate, which would provide employment opportunities plus be economically supported by the proposed new dwellings.
- 11.13 It is stated within the Sustainability Statement that the proposed development would inject significant levels of private sector investment into Saffron Walden during the construction phase which is estimated to create 300 jobs supporting across a range of roles and skill levels. The statement goes on to state that for every 1 job which is created within the construction sector and additional 2.4 indirect jobs are created in a wider economy per house completion.
- 11.14 The developer employs locals and supports local businesses and suppliers.
- 11.15 The improved infrastructure as a result of the proposed development would facilitate ease of movement and links to other employment areas within Saffron Walden. The improved infrastructure could include more bus stop links and new footpath and cycle routes. This would increase the potential for the use of alternative means of travel to areas of employment. This proposal would help deliver an economic role.
- 11.16 **Social role:**
The NPPF identifies this as to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the

needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. The proposal would make a contribution towards the delivery of the housing needed for the district, including a provision of affordable housing, and housing designed to Part M Building Regulations. Whilst design is a reserved matter, the illustrative Master Plan indicates a development that reflects the rural character of the location. Landscaping would be used to reduce the visual impacts and some landscaping elements would introduce additional facilities required for health, social and cultural well-being. These include proposed open spaces; children play spaces, recreation, new footpaths and cycle routes. The application site is located in the most sustainable locality within the District which is adjacent to employment, retail, leisure and bus services. With the Town Centre a walkable distance away, this offers a further abundance of facilities and services. Financial contributions are proposed towards education, and health provision to mitigate the impact of the proposed development.

- 11.17 The Sustainability Statement outlines that the scheme would facilitate social cohesion as it would enable the provision of a mix of housing for local people near the town centre. This proposal would help to deliver a social role.
- 11.18 **Environmental role:**
The NPPF identifies this as contributing to protecting and enhancing our 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. Whilst layout, scale, design and landscaping are to be reserved matters, there is significant detail within the illustrative Master Plan and the Design and Access Statement to demonstrate how landscaping and biodiversity would be enhanced and preserved.
- 11.19 The scheme would integrate the proposed development with the existing built form and public footpaths. There is easy access to bus services from the site encouraging non car based journeys. Habitats on site would be enhanced through improved meaningful landscaping schemes. This proposal would help to deliver an environmental role.
- 11.20 The proposals would help to fulfil the three principles of sustainable development. As such the proposals would comply with the positive stance towards sustainable development as set out in the NPPF and the presumption in favour of approval, unless material considerations indicate otherwise. I attach significant weight to this and consider that the more recent national policy set out in the NPPF should take precedence over Policy S7 of the Local Plan.
- 11.21 Emerging Draft Local Plan Policy SP2 states that development will be distributed primarily to the major towns such as Saffron Walden, then towards the key villages. This is also reflected in adopted Local Plan Policy S1.
- 11.22 The development is considered to be sustainable development and therefore the principle of the proposal is acceptable. This is considered even more so the case as the application site identified within the Regulation 19 submission and has some weight in this respect as an acceptable site in principle.
- 11.23 The emerging draft Policy SAF 1 refers to the application as a Regulation 19 allocated site. The policy states the following;

“Quantum of Development: 150 No. dwellings

Site Area: 7.92 hectares

Land north Thaxted Road, Saffron Walden, as shown on the Policies Map, is allocated for the development of approximately 150 dwellings. Detailed proposals 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 to include at least 5% older persons 1 and 2 bed dwellings across tenure;*
- 2. Development respects the amenity of the existing dwellings adjoining the site;*
- 3. A Transport Assessment will be required to support a planning application and appropriate access arrangements to be agreed and to the satisfaction of the highway authority;*
- 4. An Air Quality Assessment will be required to demonstrate the development will have no adverse impact on the Saffron Walden AQMA. The Air Quality Assessment will also need to demonstrate that if there is a potential impact on the AQMA, suitable mitigation measures are put in place;*
- 5. A Landscape and Visual Impact Assessment will be required and should inform the design and layout of the site proposals;*
- 6. Appropriate ecological survey will be required;*
- 7. Development will need to be implemented in accordance with design guidance approved by the Council and other Development Management policies.*
- 8. Implementation of the proposals will be regulated by legal obligation in association with the grant of planning permissions;*
- 9. 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;*
- 10. Development will need to be implemented in accordance with the Master Plan and design guidance approved by the Council and other Development Management policies. Implementation of the Master Plan proposals will be regulated by legal obligation in association with the grant of planning permissions; and*
- 11. The Master Plan needs to make provision for the delivery of a link road between Thaxted Road and Radwinter Road.*

Site Description: This is a greenfield site on the south eastern edge of Saffron Walden. The site is bounded by residential development to the north and south.

Constraints: Impact on the Saffron Walden AQMA – An Air Quality Assessment will be required to accompany any application to demonstrate the development of this site will have no adverse impact on the Saffron Walden AQMA.

Highways Impact - The application will need to be accompanied by Transport Assessment to demonstrate that there will be no adverse impact upon the highway network.

***Contamination** - A Contamination Report will be required to demonstrate there is no contamination on site due to adjacent landfill site.”*

- 11.24 The relevant assessments have been submitted in support of the proposed development. These will be individually assessed through this report as will the mitigation measures with any Section 106 Obligations that maybe required. The detailed aspects relating to amenity and house types whilst touched upon below would be assessed at reserved matters stage should planning permission be granted.
- 11.25 The proposal will involve the loss of best and most versatile agricultural land. This is defined both by the Local Plan and the NPPF. A Statement of Agricultural Land

Classification has been submitted as part of the application. The Statement provides a comparative assessment of development locations in Uttlesford. This outlined that a previous planning application for a much larger scheme had a submitted survey which showed that 74% of the site was Grade 3a and 26% was Grade 2. The Agricultural Land Classification for Uttlesford District demonstrates that 80.4% (51,568 hectares) of land is classified as Grade 2 and 17.1% (10,953 hectares) as Grade 3. The application site area, which forms the subject of this application, is nearly all land which falls within Grade 3a. It highlights the Regulation 18/ now Regulation 19 Plan identifies new development located on best and most versatile land of which the majority will be Grade 2. The Statement goes on to highlight that "*Saffron Walden is itself significantly constrained by the existence of best and most versatile land. There are no suitable large sites in the town and none on its edge that are not high quality agricultural land. It is therefore concluded that the development of the application site should not be prevented on the basis of its agricultural land classification.*" Again, it should be noted that this site has been allocated within the emerging draft local plan.

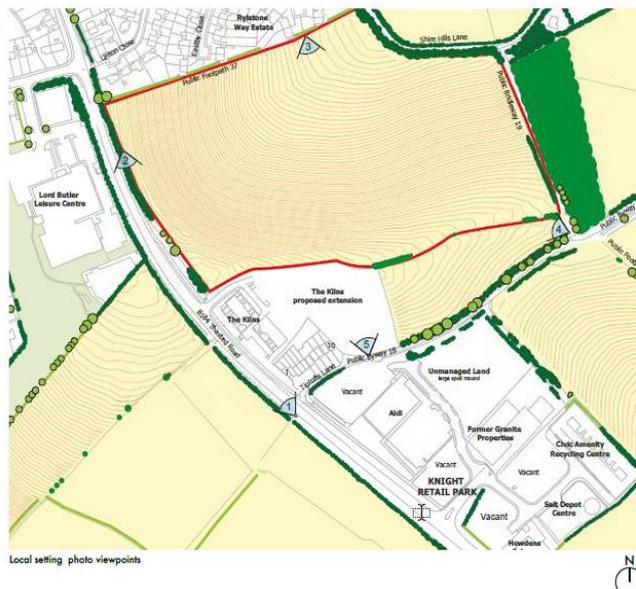
- 11.26 The application will result in the permanent loss of some site area of 7.9hectares. Local Plan Policy ENV5 does not seek to prevent the loss of Best and Most Versatile land (BMV) agricultural land if there is no lower value land available. The fact that there is a shortage in the 5 year land supply and the fact that the Council is looking at releasing greenfield sites in the countryside to meet it housing needs shows that there is insufficient land available within settlement boundaries or brownfield sites. Some 80% of the agricultural land within the district is Grade 2 (very good) and the rest is Grade 3 (good to moderate).
- 11.27 The Planning Inspector discussed the loss of agricultural land within his appeal decision relating to UTT/13/2060/OP. The Inspector stated "*LP Policy ENV5 only permits development of the best and most versatile land where opportunities have been assessed for accommodating development on previously developed land or within existing development limits. Where agricultural land is required, areas of poorer quality should be sought except where sustainability considerations indicate otherwise. This accords generally with the thrust of the Framework.*" The Inspector goes onto state "*In concluding that the Saffron Walden Policy 1 allocation (the then 2013 draft local plan since withdrawn) was strategically sound, the DLP Inspector did not identify the agricultural land quality as an overriding factor. However, I have seen no comparative assessment of development locations in Uttlesford. As such, while the loss of the best and most versatile land would be modest in the context of the general quality of agricultural land in the District, this would be a disbenefit of the proposal to be weighed in the overall balance in my decision. In the circumstances it would carry only limited weight but would nonetheless conflict with the aims of LP Policy ENV5.*"
- 11.28 It should be noted that the application site area is smaller than that which had formed part of the previous applications and the number of dwellings has been reduced by half. The previous application resulted in the permanent loss of some 20.20 hectares. In consideration of the above and the fact that there is insufficient lower grade agricultural land that is sustainably related to existing settlement to meet needs, it is therefore not considered that there is conflict with Policy ENV5. The development is considered to be sustainable development and therefore the principle of the proposal is acceptable. The benefit is considered to outweigh the harm in respect of housing need and principle of the development in this location.

B Design

- 11.29 With regards to the proposed design of the scheme the NPPF and Local Plan Policy GEN2 seeks for quality design, ensuring that development is compatible in scale,

form, layout, appearance and materials. The policies aim to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole seeking high quality design.

- 11.30 As to whether the scheme would be compatible with the character of the settlement area and countryside, the scheme would see development on the urban fringe of the Saffron Walden, predominately outside Development Limits. However the site sits between the Rylstone Way estate with Shire Hill Industrial Estate to the north and the Kilns, Tiptoffs and Granite Estate to the south, as indicated by the plan below. There is the Lord Butler Leisure centre to the west, with the countryside either side beyond. It should be noted that the field to the north has the current application UTT/17/2832/OP for 100 dwellings which is being assessed alongside this application.



- 11.31 Whilst the design of the proposed development is a reserved matter illustrative plans have been submitted as party of the application to demonstrate how the scheme can be implemented.
- 11.32 Due to the sites location between other developments it is considered that it would not be out of keeping with the surrounding environment and built form. It is stated within the Design and Access Statement that the scheme has been designed to provide adequate green infrastructure and public open space to assimilate into the local and wider area. *“New and retained planting will ensure the site can provide an appropriate setting to integrate with the surrounding landscape. The tree planting would soften the appearance of the development and reduce the visual impact from the wider area.”* It is stated within the Design and Access Statement that there are key aims and objectives for the design of the overall scheme to meet, which are the following;

- Greater diversity of activity and use of the street by residents;
- Reduce the dominance of the car and significantly reduce traffic speeds, creating a pedestrian friendly environment;
- Provide new areas of open space accessible to all;
- Increase opportunity for active and creative children’s play;
- Encourage people to walk and cycle to nearby destinations;
- Improved quality of the built environment;
- Increased use of informal surveillance;
- Safe and secure environment;

- Incorporating new landscape features – creating attractive views out to the areas of open space and green corridors.

- 11.33 The structure of the development is stated to take the form of setting a clear approach of having a hierarchy of streets and spaces based on a strong, irregular block structure. It is stated that the scheme would be designed so as to not be car dominated and encourage movement by foot and cycle. There would also be a range of public open spaces through the scheme that would include children’s play spaces, trim trail, and informal amenity spaces for walking and general recreational activities. This would also be provided through the use of Local Areas of Play (LAP) and a Locally Equipped Area of Play (LEAP) which has been highlighted within the illustrative plans submitted.
- 11.34 Within the application submission it is stated that the proposed dwellings would be predominately 2 storeys and up to a maximum of 2.5 storeys. The buildings maybe slightly higher to define focal points and key spaces. The average density across the site would be 19.7 dwellings per hectare gross and 35dph net. This is based on an approximate site area of 7.9ha and an approximate developable area of 4.3 ha. Whilst the site is on the edge of Saffron Walden in countryside location the density reflects the emerging draft Policy H1 which states that within the town development limits densities should be between 35-60 dph.
- 11.35 Through the incorporation of design techniques and principles the proposal will be able to discourage and minimise the risk of crime and anti-social behaviour through natural and informal surveillance. It is stated that the proposed dwellings would meet energy efficiency standards through the use of insulation and minimising energy use. The proposed dwellings would also meet Part M of the Building Regulations in terms of accessibility. This is in accordance with Local Plan Policy GEN2 and the NPPF, also emerging draft Policies H10 (Accessible and Adaptable Homes), D1 (High Quality Design), D8 (Sustainable Design and Construction), D9 (Minimising Carbon Dioxide Emissions) and EN12 regarding reducing water consumption.

C Mix of Housing and Affordable Housing

- 11.36 Adopted Local Plan Policy H9 and emerging draft Policy H6 requires that 40% affordable housing is provided on sites having regard to market and site conditions. Emerging Draft Local Plan Policy H2 states *“New housing developments will provide for a mix of house types and sizes to meet the different needs of the local area and the District as a whole including a significant proportion of 3 and 4+ bedroom market housing and 2 and 3 bedroom affordable housing to meet the needs of families as evidenced by the most recent Strategic Housing Market Assessment having regard to local character, significance of heritage assets and the viability of the development which will be assessed on a site by site basis”*
- 11.37 There would be a range of house types, sizes (ranging 1 to 5 bedrooms) and tenures. This will include housing for sale across a range of prices, with affordable housing to rent and shared equity/ownership.
- 11.38 The applicants have confirmed that the development would provide 40% affordable housing, which would equate to a maximum of 60 dwellings out of the full 150 dwellings provision.
- 11.39 The applicants have also confirmed that the mix and location of the units would be agreed at the reserved matters stage. The applicants have also confirmed that the development would provide 5% bungalows (equating to 8 units) to meet wheelchair

accessible housing need. It is highlighted that there would be 70% (affordable rent) and 30% (shared ownership) division on the proposed properties to be created. No objection has been raised by the UDC Housing Enabling Officer subject to meeting the above.

- 11.40 The final design, number and size of units would be determined at the reserved matters stage but it is considered that the application proposes an acceptable level of affordable housing on the site and is capable of providing an acceptable mix of dwellings. As such the application complies with Policies H9 and H10 of the Local Plan.

D Amenity & Air Pollution

- 11.41 The design layout shows an indicative illustration of how the scheme could be laid out. It is considered that there is sufficient land to ensure back to back distances are adhered to preventing overlooking both between existing and proposed dwellings, and that there would be sufficient amenity space in accordance with the Essex Design Guide. Various types of open space have been designed as can be seen from the illustrative plan. These will be in the form of landscaped areas, Sustainable Drainage (SUDs) features and play space areas. The design of the open spaces would be further detailed at reserved matter stage should planning permission be granted.
- 11.42 The existing residents would be far enough removed from the new housing so that there would be no issues of overlooking or overshadowing.
- 11.43 Details of lighting both in terms of ecological, countryside, design and amenity impact would be assessed at reserved matters stage should planning permission be approved, in accordance with Local Plan Policy GEN4 and draft Policy EN18.
- 11.44 With regards to air quality Draft Policy EN15 states;

“Development will be permitted where:

- 1. It can be demonstrated that it does not lead to significant adverse effects on health, the environment or amenity from emissions to air; or*
- 2. Where a development is a sensitive end-use, that there will not be any significant adverse effects on health, the environment or amenity arising from existing poor air quality,*

Applicants must demonstrate that:

- 3. There is no adverse effect on air quality in an Air Quality Management Area (AQMA) from the development;*
- 4. Pollution levels within the AQMA will not have a significant adverse effect on the proposed use/users;*
- 5. Development has regard to relevant UDC Air Quality Technical Guidance;*
- 6. Development within or affecting an Air Quality Management Area (AQMA) will also be expected to contribute to a reduction in levels of air pollutants within the AQMA;*

7. *Development will not lead to an increase in emissions, degradation of air quality or increase in exposure to pollutants at or above the health based air quality objective;*
8. *Any impacts on the proposed use from existing poor air quality are appropriately mitigated; and*
9. *The development promotes sustainable transport measures and use of low emission vehicles in order to reduce air quality impacts of vehicles.*

Applicants shall, where appropriate prepare and submit with their application, a relevant assessment, taking into account guidance current at the time of application.

Where development proposals would be subject to unacceptable air quality standards or would have an unacceptable impact on air quality standards they will be refused.

Where emissions from the proposed development approach EU Limit values or national objectives the applicant will need to assess the impact on local air quality by undertaking an appropriate air quality assessment. The assessment shall have regard to guidance current at the time of the application to show that the national objectives will still be achieved.

Larger development proposals that require a Travel Plan and Transport Assessments/Statements as set out in Policy TA1 will be required to produce a site based Low Emission Strategy. This will be a condition on any planning permission given for any proposed development which may result in the deterioration of local air quality and will be required to ensure the implementation of suitable mitigation measures.”

- 11.45 *Paragraph 181 of the NPPF states “Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.”*
- 11.46 The application site is located within close proximity (approximately 400m) to a declared Air Quality Management Area in Saffron Walden which is likely to be impacted upon as a result of the proposed development.
- 11.47 An Air Quality Assessment has been submitted as part of the application. This is in accordance with draft Policy SAF1.
- 11.48 The air quality report outlined that it considered the suitability of the site for residential development and assessed the impact of the increase in traffic associated with the development and is assessed together with the increased traffic associated with other committed development. Both Nitrogen Dioxide (NO₂) and fine particular matter (PM₁₀ and PM_{2.5}) were considered.

- 11.49 Various scenarios have been looked at as part of the assessment. Annual average daily traffic (AADT) method has been used and the assessment has been based on the full 150 dwellings using the worst case scenario of 90/10 north-south split at the site access. This worst case scenario was also used during the appeal Inquiry.
- 11.50 Mitigation measures during construction were also considered due to the creation of dust and for the prevention of elevated PM10 concentrations and dust nuisance. It was concluded that with mitigation this aspect would not have a significant affect based on the nature of the proposed activity and the location of the site.
- 11.51 The report concluded that no predicted exceedances of the air quality strategy objectives within the site and concluded that the site is suitable for development without the need for air quality mitigation. It is stated that *“the effects of the development traffic is judged as not significant as improvements in vehicle emissions will outweigh the increase in traffic as a result of the development, and mitigation against direct air quality impacts of the development traffic is not necessary.”*
- 11.52 The sensitive receptors were looked at as part of the AQA together with sensitive junctions and monitoring locations.
- 11.53 Air quality regulations stipulate the following;

Table 4.5: NO₂ and PM₁₀ Objectives

Pollutant	Time Period	Objective
Nitrogen dioxide (NO ₂)	1-hour mean	200 µg/m ³ not to be exceeded more than 18 times a year
	Annual mean	40 µg/m ³
Particulate matter (PM ₁₀)	24-hour mean	50 µg/m ³ not to be exceeded more than 35 times a year
	Annual mean	40 µg/m ³

- 11.54 As part of the assessment it has been confirmed for its purposes that the opening year of the development would be 2020 and the traffic flows are predicted for 2023. Conservative figures have been used together with sensitivity test being undertaken.
- 11.55 The report concluded that *“the annual mean objective was regularly exceeded at the UT028, London Road, and UT005, Thaxted Road, diffusion tubes during the 2012-2016 monitoring period. However, annual mean concentrations at the closest monitoring site to the proposed development site, UT031, were continuously below the objective. All monitoring sites showed an increase in concentrations in 2016, which is slightly unusual in a UK context and can be the result of a wide range of contributing factors. There is no clear trend in NO₂ concentrations between 2012 and 2015.”*
- 11.56 The monitoring for Fine Particular Matter PM_{2.5} and PM₁₀ has demonstrated to be below annual mean objectives.
- 11.57 Measured background concentration levels obtained from national maps have shown that this is below objective and is predicted to decline by 2020 and further the following year. This would help to reduce the annual mean NO₂ levels and reduce them below objective on 4 out of 5 receptor locations by 2020. Receptor 6 is exceeded both with and without the proposed development. The impact magnitude of the proposed development has been concluded to be negligible to small upon NO₂, PM_{2.5} and PM₁₀ levels. Any mitigation to reduce NO₂ concentrations would benefit the AQMA and Receptor 6. The change in emission regulations over the course of the years have been considered and demonstrated to further decrease concentration levels by 2021, including R6 below objective from 41.3µm₃ to 38.7µm₃.

- 11.58 Various mitigation measures have been suggested within the AQMA relating to the construction works and Fine Particular Matter. In terms of the NO₂ levels it has been concluded that “The overall effect of development traffic is therefore judged to be not significant as the moderate impact at R6 is unlikely to occur in practice. Reductions in vehicle emission are likely to outweigh the impact of development traffic. No mitigation measures are therefore required for the direct effects of the development.....There are no predicted exceedances of the air quality objectives within the development. Therefore, the site is considered suitable for the proposed residential use without the need for further specific mitigation measures.” These findings are in line with the Appeal Inspector’s findings.
- 11.59 The inspector in his appeal decision highlighted that the concentration of NO₂ have exceeded the annual mean objective of 40mg/m³ at several locations in the AQMA. Various forecasts for NO₂ have been provided as part of the draft local plan work, the applicant and other developments showing a range of values, with further modelling work had been undertaken as part of the inquiry regarding cumulative air quality work including the redistribution of traffic which was considered at the time (from 70/30 split to 90/10 split). The inspector concluded that the forecast of NO₂ concentrations was due to existing traffic levels and background emissions. However in combination with other developments and taking a worst case scenario of not considering emission reductions it was concluded that the development would contribute in a small way to the increase in NO₂ at several of the receptor locations. In conclusion it was seen that the impact would be somewhere between the forecasts and no reductions position. Therefore, it was concluded that there would be unlikely to be any new exceedances of the NO₂ objective.
- 11.60 The Inspector went on to state that whilst he only placed limited weight to the possibility of the link road, its provision would offer air quality benefits to the AQMA. Also small benefits would amount from travel plans and the Wenden Road Cycle. It was concluded that the appeal development was in accordance with Local Plan Policy ENV13 and the NPPF.
- 11.61 The proposed development being of a smaller scale at 150 dwellings even in consideration of the site to the north with up to 100 dwellings, it is considered that this situation has not altered significantly from the time of the appeal in consideration of the committed developments as highlighted in Section 6.1. An additional 116 dwellings have come forward through 2 large windfall sites on Little Walden Road and Limes Avenue located in the northern part of Saffron Walden. This information has been considered as part of the Air Quality Assessment.
- 11.62 Environmental Health has looked and fully assessed the information submitted which has also been considered by an appointed external Air Quality consultant. Following the analysis of the Air Quality Assessment in line with the Highway impact assessments their comments are fully detailed in Section 9.17.
- 11.63 It has been concluded however that “**The potential for adverse impact on the AQMA is too great to approve this proposal without road network and other mitigation measures. If other considerations make a recommendation for approval for the proposal likely, consent should also be considered for the proposal under UTT/17/2832/OP to allow the delivery of a road between Thaxted Road and Radwinter Road linking at the boundary of the two proposal sites, and constructed to Essex Highway specification.** An analysis of the cumulative impact on air quality has been carried out, the findings of which will be provided under separate documentation, and concludes that routeing of traffic through the link would offer some air quality benefits to the AQMA. No other effective traffic management

measures are realistic, and whilst measures to encourage use of low emission vehicles and promote non car travel must be provided, these alone will not be sufficient to reduce the risk to adverse impact on air quality to an acceptable level.”

- 11.64 As a result of the above a cumulative impact assessment has been undertaken in considering this site and the application for the land to the north. Again, the findings for these have been outlined in Section 9.17 above. This has concluded that “*The proposed spine road delivers improvement in air quality at some sites within the AQMA compared to no development. A minor worsening of concentrations is likely to occur outside the AQMA, back from the junction of the spine road and Radwinter Road, close to the care home development approved under UTT/17/3426/FUL. This is due to potential queuing of re-routed traffic. As the resultant levels in 2023 are predicted to be 9.6 ugm³ here, against a nitrogen dioxide air quality objective of 40 ugm³, the impact is negligible. The largest reduction in concentrations (-0.49 ugm³) within the AQMA, is predicted at Thaxted Road close to Shire Hill.*” Fundamentally no objection has been raised subject to both schemes being approved in order to secure the provision of the spine road through both sites and linking up with the Linden Homes site located to the north, also subject to conditions. The scheme therefore in this respect is considered to accord with Policies ENV13 of the adopted Local Plan and Policy EN15 of the emerging Draft Local Plan, and the NPPF.

E Highways

- 11.65 Local plan policy GEN1 states “development will only be permitted if it meets all of the following criteria;
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
 - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
 - c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
 - d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expects to have access.
 - e) The development encourages movement by means other than driving a car.”
- 11.66 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within National Planning Policy Framework.
- 11.67 Emerging Draft Policy TA1 states the following;

“Development and transport planning will be co-ordinated to reduce the need to travel by car, increase public transport use, cycling and walking and improve accessibility and safety in the District while accepting the rural nature of the District. The overall need to travel (especially by car) to meet the day to day service needs will be minimised. Development proposals will be located in close proximity to services and make use of sustainable forms of travel (walking, cycling and public transport) to fulfil day to day travel needs as a first requirement. To achieve this:

- 1. The capacity of the access to the main road network and the capacity of the road network itself must be capable of accommodating the development safely and without causing severe congestion;*
- 2. Development will maintain or improve road safety and take account of the needs of all users, including mobility impaired users;*

3. New development should be located where it can be linked to services and facilities by a range of transport options including safe and well-designed footpaths and cycle networks, public transport and the private car;

4. Development should be located where it can provide safe, attractive, direct walking and cycling routes between new developments and schools/ other community infrastructure, together with appropriate design for these new facilities that encourages and delivers sustainable travel;

5. Existing rights of way, cycling and equestrian routes (designated and non-designated routes and, where there is evidence of regular public usage, informal provision) will be protected and, should diversion prove unavoidable, provide suitable, appealing replacement routes to equal or enhanced standards ensuring provision for the long-term maintenance of any of the above;

6. A Transport Assessment will be required on all developments creating significant impact on the highway to assess the impact and potential mitigation required; and

7. Appropriate and safe networks, as defined by the Essex Local Transport Plan, will be provided to allow for increasingly independent travel by vulnerable road users to allow such individuals to provide for their own travel needs.”

- 11.68 Draft Policy TA2 amongst other things seeks “Sustainable modes of transport should be facilitated through new developments to promote accessibility and integration into the wider community and existing networks. Priority should be given to cycle and pedestrian movements and access to public transport.....”
- 11.69 Emerging Draft Policy TA4 amongst other things seeks “...The District Council will continue to work with Essex County Council to deliver transport measures in Saffron Walden to support movement across town and more sustainable travel behaviour especially to provide opportunities for traffic to avoid the centre.” The securing of infrastructure delivery to address cumulative impacts and the needs from the development is highlighted in Draft Policy INF1.
- 11.70 Paragraph 109 of the NPPF states “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.”
- 11.71 The site is in a sustainable location close to existing residential areas, employment and local facilities. Saffron Walden is the largest town in the District and it is considered to be sustainable as there are bus routes which are located and going through Saffron Walden. Further bus shelters are proposed to be constructed following the granting of previous planning applications such as the warehouse retailing units at the Granite site to the south.
- 11.72 There are opportunities for sustainable travel to retail, leisure, education and employment locations. The site lies between Public Byway 18 and Bridleway 19. There are a number of bus routes which serve Saffron Walden and some which operate on Thaxted Road in the vicinity of the site. The closest bus stop is located on Thaxted Rd 50m north of the junction with Peaslands Road, approx. 250m from the proposed access to the application site. The service 313 provides a link between Saffron Walden to Great Dunmow. Approximately 430m from the access to the application site the Winstanley Road bus stop provides an hourly service to Bishop’s Stortford and Stansted Airport.

- 11.73 Audley End Station is located 5km to cross country services including to London. Bus services between the station and town centre run every hour.
- 11.74 Pedestrian movements along Thaxted Road are via a shared cycle/footway approx. 3m wide adjacent to the site. The cycle/footpath narrows to 2m at Thaxted/Peaslands Rd mini roundabout.
- 11.75 The B184 Thaxted Road provides links to Saffron Walden to Thaxted and then Great Dunmow. To the north of the site the B184 links to B1053 Radwinter Road which links to Great Chesterford and Junction 9a of the M11.
- 11.76 The site is located within 5 minute walk to the local leisure centre, 5/10 minute walk to key employment sites, a large food store and a 10/15 minute walk the community hospital, schools and the edge of the historic town centre.
- 11.77 Access is proposed to the site through a new signalised controlled junction from Thaxted Road which would allow for the ease of movement. The Design and Access Statement confirmed that "*The proposed junction will incorporate pedestrian/cycling crossing facilities across Thaxted Road to facilitate pedestrian movements between the proposed residential development and existing local facilities such as the nearby Aldi foodstore, the Skate Park and the Lord Butler Leisure Centre.*" This would require works to be undertaken off site to facilitate this. Should planning permission be granted this would need to be secured by way of condition.
- 11.78 The Public Rights of Way including bridle and by-way which run through and around the site are proposed to be retained and unaffected by the proposed development. Incorporated within the scheme would be prioritised safe walking and cycling environment, with the provision of 3m wide pedestrian and cycle paths, Greenway Walk, green spaces and public footpaths.
- 11.79 It is stated within the submission that there are opportunities for future bus services to extend through the site. A submitted plan illustrates an opportunity for a pedestrian and bus link route link between the application site and the adjacent application site to the north.
- 11.80 The proposed primary road that would run through the site would abut to the north-eastern boundary to allow for any future development of land to the north. This is considered to facilitate in dispersing vehicle movement from the proposed scheme and mitigate the impact upon more sensitive junctions within Saffron Walden such as Radwinter Road/Thaxted Road junction. This has been considered in conjunction with the adjacent planning application to the north which is for 100 dwellings (Engelmann site UTT/17/2832/OP) adjacent to an additional consent 200 dwellings which have been consented to the north of the application site (Linden Homes site UTT/13/3467/OP).
- 11.81 The neighbouring application which is under consideration for up to 100 dwellings together with the implementation of the Manor Oak site is considered to alleviate the Inspectors misgivings in terms of delivery should planning permission be granted and a link road was considered to be acceptable. This was the fundamental and sole reason for dismissing the appeal relating to the application for 300 dwellings.
- 11.82 In the appeal Inspector's report the split in the highway movement were discussed together with committed developments. It stated that the all the affected junctions are to the north of SW. The extent of the congestion in the original assessments was

underestimated. Cumulative effects of the proposed development and other commitments would be significant at some key junctions in terms of additional delays and queuing at important times of the day.

- 11.83 A Transport Assessment, a Safety Audit and a Residential Travel Plan has been submitted as part of the application.
- 11.84 The TA was assessed by ECC Highways and their appointed consultants Ringway Jacobs. The development both in isolation and cumulatively in terms of committed development and the impacts cumulatively should planning permission be granted for both the subject of this application and the application for 100 dwellings to the north.
- 11.85 The TA, which has been undertaken by PBA, looked into vehicle movements and sustainable modes of transport.
- 11.86 For sensitivity testing a worst case scenario was used within the TA by assuming a 90/10 % (north/south) split of vehicle movements as per additional appeal work which has been previously undertaken. The reduced level of development proposed would also reduce level of impact that would result from the proposed development.
- 11.87 The TA estimated the number of trips generated by non-vehicular modes of travel using the available information which has been used as part of the modelling.
- 11.88 This information has been applied to the overall trip generation of the proposed development.
- 11.89 The TA demonstrates that operation of key junctions within Saffron Walden in the based year used 2017. It shows many of the junctions operating within capacity however, the following junctions are shown to operate marginally above capacity;
- Newport Road/Audley End Road/London Road junction;
 - Debden Road/London Road junction; and
 - Hill Street/Common Hill/Cates Corner junction
- 11.90 The TA looked at the Baseline, the future baseline plus development and the 2023 sensitivity plus development to enable to assess the impact upon the key junctions of the town. The sensitivity testing applied the impact from the neighbouring current application for the additional 100 dwellings.
- 11.91 The impact from the additional 100 dwellings to the north indicated that it would worsen the queuing conditions at the junctions across the network. However it has been emphasised that the vehicle movements would be dispersed across the network and the work undertaken has all been based on a worst-case scenario and on the assumption that all other developments that have been taken into account have not provided any mitigation. The TA has also applied growth on every arm of every junction.
- 11.92 The TA outlined the proposed development would naturally increase the number of pedestrian movements on public footpaths and as a result would increase footfall into the Town Centre, access to bus stops and access to local schools on Peaslands Road. Due to this a contribution is proposed towards improving crossing facilities at the Thaxted Road/Peaslands Road junction.

- 11.93 It has been concluded that there is unlikely to a significant detrimental impacts upon sustainable modes or facilities as a result of the proposed development.
- 11.94 *“The results of the assessment of junction capacities demonstrate that the impact of the development is limited across the network, with maximum increases in queuing delay of three vehicles on any arm of the junctions assessed (with the exception of the Thaxted Road/Radwinter Road Junction).”*
- 11.95 Based on the outcomes of the assessment the following is proposed to mitigate the scheme;
- “To provide a proportionate financial contribution towards improvements at Thaxted Road/Radwinter Road Junction; and to provide a financial contribution towards an improved pedestrian crossing on the southern arm of the Thaxted Road/Peaslands Road Junction for those accessing the school and bus stops.”*
- 11.96 A Residential Travel Plan has been submitted to facilitate in the mitigation of the proposed development by encouraging the use of sustainable modes of transport. A list of mitigation schemes have been highlighted such as establishing a bicycle user group, provision of walking and cycling maps etc. The impacts of the development have not taken into account the any reductions that would result from the travel plan.
- 11.97 A Construction Management Plan and HGV Route Management Strategy are proposed to be developed for the site to mitigate the effects of the development during the course of construction.
- 11.98 The Transport Assessment concludes that the proposed development is well located with respect to existing facilities and sustainable transport opportunities. The residual cumulative traffic impacts of the development are not severe (given the mitigation proposed) and therefore in accordance with NPPF that there are no reasons on transport grounds to refuse the planning application.
- 11.99 Following thorough assessment from ECC Highways and their appointed Highway consultants they have not objected to the proposed development subject to conditions. ECC Highways has stated the following *“We are content both planning applications, if treated as standalone, would not have a severe impact in highway capacity terms, subject to the mitigation as set out in my recommendations. However ... we would urge you to recommend that both planning applications are approved thereby providing a link road between Radwinter Road and Thaxted Road. More technical work could be carried out regarding the likely impact of a link road however our professional advice, based on many years of experience and having seen similar situations elsewhere, is that the link road would enable development related traffic to avoid parts of the existing highway network, in particular the Radwinter Road/Thaxted Road junction and would likely also bring benefit to other highway users as well.”*
- 11.100 It has been concluded that based on the cumulative impact from the two schemes and in order to facilitate the ease of movement between the two sites the provision of a link road to join the two would also mitigate impact from the surrounding highway network, particularly to the improvement of the Thaxted Road/Radwinter Road junctions and the surrounding AQMA. The scheme is therefore considered to be in accordance with policy subject to conditions and both the applications being approved.
- Parking**
- 11.101 It has been confirmed within the submission that the proposed scheme would accord with current local parking standards. A mixture of parking methods would be proposed

through the scheme, however it should be noted that this is a reserved matter for further consideration at a later date. The scheme is therefore capable of accords with Local Plan Policy GEN8 and The Essex Parking Standards (2009), and Local Residential Parking Standards adopted (February 2013), also in accordance with Draft Policy TA3.

F Landscaping and Ecology

- 11.102 Local Plan Policy ENV8 highlights that development that would adversely affect landscape elements will only be permitted if the need outweighs the harm and mitigation measures are provided.
- 11.103 Draft Policy C1 seeks the protection of landscape character in terms of preserves and enhances the landscape pattern and important views.
- 11.104 Similarly, Paragraph 170 of the NPPF states "*Planning policies and decisions should contribute to and enhance the natural and local environment by:*
- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
 - b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
 - c) *maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
 - d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
 - e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
 - f) *remediating and mitigating"*
- 11.105 The site has hedges along the north-eastern and eastern boundaries. There is scrub along western boundary, boundary formed by top of the cutting. Thaxted Road is set at a lower ground level.
- 11.106 Beyond the site and to the west, existing hedgerow boundaries should be retained and strengthened with new planting with the opportunity taken to significantly enhance the buffer planting and improve biodiversity and provide an enhanced wildlife corridor.
- 11.107 A greenway walk is proposed as part of the application around the perimeter of the site which is stated would maintain the existing network of trees and hedgerows. The walkway will enhance existing wildlife corridors, habitats and biodiversity. The footpath which is located along the northern boundary would be retained and linked to new footpaths which are proposed to be created within the site.

- 11.108 The application site forms part of a larger undulating landscape which extends into the existing built form, and the proposed development would be an extension of this. The ground levels are likely to change as a result of the proposed development, of which this is a reserved matter.
- 11.109 A Landscape and Visual Assessment has been undertaken and submitted in support of the application.
- 11.110 The Landscape and Visual Impact Assessment highlighted the Inspectors findings in that the appeal Inspector stated that there would be a significant change in the local area as a result of the proposed development resulting substantial built form however the master plan proposal showed appropriate layout and landscaping within and around the development which would facilitate in mitigating the scheme.
- 11.111 Again, for the purposes of assessing this application the proposed development is a reduced form of development from 300 dwellings, which was considered as part of the appeal, down to 150 dwellings which now forms the subject of this application.
- 11.112 The LVIA highlights that The Essex Landscape Character Assessment 2003 recognises that there would be expansion of smaller settlements and that this should be done in any that respects the landscape setting and character of the settlement.
- 11.113 An assessment of the sensitive receptors of the locality has been undertaken. The most sensitive areas fundamentally being public footpaths.
- 11.114 Within the report it was found that whilst the change would be significant through the loss of the field the effect would be consistent with the existing residential character of the valley and the surrounding built form. The proposed development would follow the grain of the landform minimising the change to the topography and integrating the proposed development. The proposed landscaping and retained landscaping would facilitate in minimising the proposed impact of the development, however the landscaping is a reserved matter. One the less of the report emphasises that a large portion of the site would be used for green infrastructure, wetlands, play areas and public access.
- 11.115 Beyond the context of the local the valley there would be limited effect on the adjoining plateau landscape.
- 11.116 The Inspector within his decision stated that *“The site is not covered by any special landscape designation but is situated within the ‘Cam River Valley’ landscape character area, as defined in The Landscape Character of Uttlesford District (2006) (LCA). However, it is located in a tributary valley of the River Cam. Thaxted Road is in the valley bottom with the land sloping upwards on the appeal site to the north and, more gently, to the south. There is a limited relationship with the main part of the river valley due to the separation resulting from the presence of Saffron Walden to the west and higher ground to the south-west and north-east. The regional scale assessment in the East of England Typology confirms this by showing the site as being in a Settled Chalk Valleys character type reasonably enclosed by Saffron Walden and the more elevated Wooded Plateau Farmlands character type. While the LCA identifies this as a character area with relatively high sensitivity to change, these factors mean that the site is not highly visible in panoramic inter and cross-valley views. The LCA suggests planning guidelines that include ensuring that any development on valley sides is small-scale and responds to historic settlement patterns, form and building materials. In terms of the setting of Saffron Walden, the Council’s Historic Settlement Character*

Assessment (2007) concludes that, in respect of the land between The Kilns development on Thaxted Road and existing housing at Rylstone Way, the effect of development would be neutral. In summary, the contribution of the appeal site to the landscape character is limited.” The Inspector highlighted the position of the application site between existing and committed developments and concluded that *“the context is one of limited wider landscape and visual impacts and an acceptable relationship with existing and committed developments. As such, I conclude that the proposed development would not have a significant adverse effect on the character and appearance of the area. It would not conflict with those aims of LP Policy S7 that seek to protect the intrinsic character and beauty of the countryside.”* It is still considered that this is the case with the proposed reduced level of development proposed.

- 11.117 The UDC Landscape Officer has previously stated that *“the development would result in a significant local change in the landscape and form a prominent feature on the higher valley slopes particularly where it breaks the skyline. However, on balance and subject to a comprehensive scheme of landscaping the development would not result in an unacceptable adverse visual impact in the medium to long term.”* The Landscape Officer’s opinion still has not changed with regards to this application. There would be limited impact upon the existing trees, and the loss of part of the hedge to the south of Thaxted Road proposed access could be addressed through additional planting. Therefore no objection has been raised subject to conditions. The scheme is therefore considered to accord with Local Plan Policies S7, GEN2, GEN7, ENV3 and ENV8, also the NPPF.
- 11.118 Local Plan Policy GEN7 for nature conservation seeks that development that would have harmful effects upon wildlife or geological features will not be permitted unless the need for development outweighs the harm. It also seeks that a conservation survey be sought for sites that are likely to be ecologically sensitive with associated mitigation measures. This is in line with draft Policy EN7.
- 11.119 In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities.
- 11.120 The site does not have any protected designation. Nearest being approx. 3.2km away northeast of site Hales and Shadwell Woods SSSI and National Nature Reserve
- 11.121 There is no statutory nature conservation designation. Nearest such site being Roos Hill Protected Bergen’s LWS approx.1km southwest of the site
- 11.122 A number of ecological surveys have been undertaken of the site 2012/2013 and 2017/2018. The details are outlined in the updated ecological appraisal submitted as part of the application, together with further information which has been submitted at the request of ECC Ecology.
- 11.123 The various surveys covered Bats, roosting birds, reptiles, Badgers, Great Crested Newts.
- 11.124 There has been Bat activity registered through the site from adjacent woodland. None of the trees within the site have been assessed to have significant bat roosting potential, however the site has been found to be visited regularly
- 11.125 The site is not suitable for reptiles and Great Crested Newts. A number of wintering birds were recorded either on the site or near the site during the time of the survey. Other species were recorded such as Muntjac Deer and rabbits.

- 11.126 The hedgerow has potential for Dormice however there are no records within 2km of the search site. However, the locality provides low probability for dormice to be present.
- 11.127 The breeding birds within the site have been assessed to be unremarkable based on the level of arable land available and of limited values to wintering birds. 4 species with an elevated conservation status recorded in 2013 is also considered to be unremarkable.
- 11.128 Natural England has made no comment on the application. ECC Ecology has originally raised an objection due to insufficient information. An updated Ecological report has since been submitted addressing concerns. ECC have removed their objection subject to securing biodiversity mitigation and enhancement measures. This is therefore in accordance with Policy GEN7.

G Flood Risk and Drainage

- 11.129 Local Plan Policy GEN3 seeks the protection of functional floodplains and buildings would not be permitted unless there is an exceptional need. It goes onto state “*Within areas of flood risk, within the development limit, development will normally be permitted where the conclusions of a flood risk assessment demonstrate an adequate standard of flood protection and there is no increased risk of flooding elsewhere.....Outside flood risk areas development must not increase the risk of flooding through surface water run-off. A flood risk assessment will be required to demonstrate this. Sustainable Drainage Systems should also be considered as an appropriate flood mitigation measure in the first instance.*”
- 11.130 Draft Policy EN10 for minimising Flood Risk takes a stronger approach in terms of minimising flood risk in line with more up to date national policy, such as the NPPF. It states that “*All new development will need to demonstrate that there is no increased risk of flooding to existing properties, and proposed development is (or can be) safe and shall seek to improve existing flood risk management.*”
- 11.131 Draft Policy EN11 seeks for SuDS to be submitted that would provide optimum water run-off rates and volumes taking into account relevant policies and legislation, without creating a risk of bird strike compromising the safety of operations of London Stansted Airport or risking archaeological assets.
- 11.132 Due to the scale of the proposed development a Flood Risk Assessment has been undertaken and submitted as part of the application, in accordance with Policy requirements. The application site falls within Flood Risk Zone 1 where there is low probability of flooding from tidal or fluvial sources. The assessment has been undertaken to demonstrate that the proposed development would not increase the risk of flooding outside of the application site.
- 11.133 There is an unnamed minor watercourse that crosses the ‘valley’ element of the site where it fundamentally falls within lower ground levels. It is stated that there is a low risk of flooding from this watercourse.
- 11.134 Design & Access Statement outlines “*The open space also offers opportunities for sustainable urban drainage opportunities in the form of swales and infiltration basins.*” The surface water drainage and strategy is stated to have been developed in accordance with hierarchy of sustainable surface water disposal. Within the submission it is outlined that the ground conditions allows for infiltration systems and

provides maintenance requirements. This allows for a combination of soakaways and permeable paving to be used on driveways. This has been concluded through the undertaking of soil samples which has informed an indicative drainage strategy. The drainage strategy allows for adequately sized network which allows for a 1 in 100 year storm and an additional 40% for climate change.

- 11.135 The FRA has demonstrated that the site will not be at risk of flooding and access and egress to the site will be maintained during extreme storms. It has been demonstrated that the proposed development would not exacerbate the risk of flooding to third parties either upstream or downstream from the site.
- 11.136 No objection has been raised by ECC SUDs subject to conditions. The development is therefore considered to be in accordance with Policy GEN3 of the adopted Local Plan also in accordance with Draft emerging Policy EN10 and EN11 which seeks sustainably designed schemes by reducing the risk of flooding on and off site.

H Archaeology:

- 11.137 Local Plan Policy ENV4 seeks the protection of archaeological remains. This is also reflected in emerging draft Policy EN5.
- 11.138 An Archaeological Desk based assessment and survey work has been submitted as part of the application. A series of work which has been undertaken has concluded the following;
- 11.139 *“Saffron Walden occupies a chalk upland landscape within the Cam valley. The Site is situated on the south-eastern edge of the town and is centred on TL 5500 3758. It comprises an arable field on the eastern side of Thaxted Road. Within the site, a programme of geophysical survey and field walking has produced a small assemblage of prehistoric finds and identified two geophysical anomalies interpreted as ring-ditches of probable Early Bronze Age date. A study of other sources of evidence, particularly the cartographic sources, has shown that there is a likelihood for pre-medieval field boundaries to be present across the site and that there is a possibility of clay pits, chalk pits and lime kilns to be present along the Thaxted Road frontage. Development of the southern part of the town has brought to light evidence of Neolithic, Bronze Age and Iron Age activity. These remains, combined with cropmarks of former field boundaries to the south-west of the Site, hint at the type of remains that might be anticipated on the Site itself.”*
- 11.140 The County Archaeologist has raised no objection to the works and the finds subject to a condition. This is in accordance with Local Plan Policy ENV4 and the NPPF.

I Infrastructure provision to support the development

- 11.141 Local Plan Policy GEN6 states that *“Development will not be permitted unless it makes provision at the appropriate time for the community facilities, school capacity, public services, transport provision, drainage and other infrastructure that are made necessary by the proposed development. In localities where the cumulative impact of the developments necessitates such provision, developers may be required to contribute to the cost of such provision by the relevant statutory authority.”*
- 11.142 The Draft Local Plan Policy SAF1 amongst other things identifies the application site as an allocation site for the provision of 150 dwellings on a site area of 7.92ha.

- 11.143 It should be noted that the previous draft local plan had allocated a much larger site and wider site to the north, and therefore had a different mitigation package. Current this application site is allocated within the emerging draft local plan with a reduced amount of dwellings, whilst the current adjacent site and application is not.
- 11.144 The appeal's Inspector outlined the following in his decision regarding the previous proposed infrastructure provision;
- "55. The Uttlesford Open Space, Sport Facility and Playing Pitch Strategy (2012) identifies a District-wide need for some, but not all, types of sports pitches. However, while local sports clubs identified specific issues and aspirations for their organisations, there is no overall quantitative needs assessment for further provision in Saffron Walden itself.*
- 56. The financial contribution is based on the cost of levelling the land rather than any detailed calculation as to the amount of playing field provision or facilities required by the proposed residential development. Indeed, the appellants' Regulation 122 Assessment concludes that the land provision is larger than that required to mitigate the proposed development but that the "additional provision facilitates achieving the long term aspirations for Saffron Walden and addresses the current highlighted deficit". I am in no doubt that the playing fields and other facilities would be a valued benefit for local people. However, I must apply the statutory tests in the CIL Regulations. These include that planning obligations are necessary to make the development acceptable in planning terms and are fairly and reasonably related in scale and kind. I cannot be sure that the recreational land and contribution meet these requirements. As such, they cannot be taken into account in my decision."*
- "63. The section 106 agreement provides for a bus service from the town centre to be supported for the first 5 years of the development at a frequency that is not out of place in the context of a rural market town. The agreement requires that bus stops should be within 400m of any dwelling. While the service would only be assured for 5 years and does not have to be in place until prior to the occupation of the 50th house, this would provide an opportunity for it to establish.*
- 64. I consider that the various sustainable transport measures in the section 106 agreement are justified and proportionate, meeting the tests in the Framework and CIL Regulation 122."*
- 11.145 As the subject application site would be effectively a section of what would be a much larger development should the application to the north be conjointly approved, the following would be requested commensurate to the scale of the scheme in order to support the development in terms of infrastructure and mitigation.
- Open space**
- 11.146 The details relating to public open space land situated within the residential part of the development is a reserved matter however it is clear that such would be provided as part of the proposed development. This would need to be transferred to the Town Council or management company, together with any associated maintenance fees.
- Community and Sports Facilities**
- 11.147 During the course of the application discussions have been undertaken with the Town Council in terms of pressures upon community facilities including sports and recreation. In terms of identifying need, unfortunately, the Sports Strategy, as part of the draft local plan, is still ongoing and would not be finalised until approximately March/April 2019. It is unclear from discussions with the Town Council what the need

is however it is agreed that the cumulative impact from the development would place pressure in such facilities which would need to be mitigated. In terms of policy compliance there appears to be a case for a contribution towards the community centre as there is an identified need, following submission of an application by the Town Council and the site that is being looked is supported by Local Plan Policy SW7 and LC6, as identified below,

- 11.148 **Policy LC6 - Land West of Little Walden Road Saffron Walden**
A site west of Little Walden Road, Saffron Walden has been identified to provide a community centre and playing fields as part of a mixed development scheme as proposed by Policy SW7.
- 11.149 **Policy SW7 - Land West of Little Walden Road**
Land at Little Walden Road identified on the proposals map (5.2ha) is allocated for a community centre, playing fields and up to 15 units of affordable housing. Development of the site will be subject to the approval of a Master Plan setting out location of the various uses and Flood Risk and Traffic Impact Assessments.
- 11.150 Also, policies LC2-LC4 are considered to be relevant in terms of community facilities and recreation facilities.
- 11.151 **Policy LC2 - Access to Leisure and Cultural Facilities**
Development proposals for sports facilities, arts and leisure buildings, hotel and tourist facilities, will be required to provide inclusive access to all sections of the community, regardless of disability, age or gender.
- 11.152 **Policy LC3 - Community Facilities**
Community facilities will be permitted on a site outside settlements if all the following criteria are met:
a) The need for the facility can be demonstrated;
b) The need cannot be met on a site within the boundaries;
c) The site is well related to a settlement.
- 11.153 **Policy LC4 - Provision of Outdoor Sport and Recreational Facilities Beyond Development limits**
The following developments will be permitted:
a) Outdoor sports and recreational facilities, including associated buildings such as changing rooms and club-houses;
b) Suitable recreational after use of mineral workings.
- 11.154 In terms of the draft local plan this states “8.12 *New residential development will need to provide formal and informal play space and sports facilities which meet open space standards and sports facilities (Indoor and outdoor) as set out in the Sports Strategy. All provision needs to be in an accessible location to the users.*”
- 11.155 Policy INF2 states amongst other things “...*Uttlesford District Council has, working with Sport England, commissioned a Sports Strategy. Development proposals will take into account the findings of this study and provide new sports facilities in line with the recommendations from this study. Where the Sports Strategy identifies a community need which can be met through existing school and college sports facilities, this will be encouraged. In accordance with the most up to date Sport Strategy new development will be required to make appropriate on-site provision or financial contributions to off-site provision of indoor and outdoor sports facilities. Unless specified in the relevant site allocation policy, publicly accessible open space or improvement to existing accessible open space provision will be in accordance with the following standards.*”

Financial support for the continued maintenance of the facility will be secured by planning obligation.”

11.156 In terms of open space provision the draft plans outlines the following;

Open Space Requirements			
Type of Provision	Level of Provision (Square metres per person)	Threshold for On-Site Provision	Threshold for Off-Site Provision
Amenity Greenspace	10	All development of 10 dwellings or over	All developments under 10 dwellings and development of 10 dwellings or over where on-site provision is not possible
Provision for children and young people (LAPS, LEAPS and NEAPS)	2	All development of 10 dwellings or over	All development under 10 dwellings and development of 10 dwellings or over where on-site provision is not possible
Allotments	2	All development of 10 dwellings of over	All development under 10 dwellings and where on-site provision is not possible.

11.157 No doubt should planning permission be granted the reserved matters would identify land for open spaces, LEAPs and LAPs which would address the above draft policy.

11.158 The draft local plan states “*The provision of open space, sports facilities and playing pitches should be considered in consultation with the local community.*” This is also reflected in the adopted local plan.

11.159 Whilst there is no current policy for sports provision, however, the above is the direction of travel for the draft local plan and has little but some weight. Based on the above it would be sensible for some form of contribution to be provided towards recreation subject to the identified need being demonstrated by the Town Council and the amount to be agreed.

Highways

11.160 Whilst the highway implication have been discussed above in Section E in terms of mitigating the proposed development and providing in some areas betterment, the following proposed works and contributions are proposed;

- a) A traffic signal controlled junction in Thaxted Road to provide access to the proposal site;
- b) A minimum 3 metre wide footway/cycleway along the proposal site’s Thaxted Road frontage;
- c) Improvements to aid pedestrians to cross at the Thaxted Road/Peaslands Road mini roundabout (details shall be agreed with the Local Planning Authority prior to commencement of the development);
- d) Improvements to the Bridleway between Shire Hill and the proposal site and Footpath which runs along the proposal site’s northern boundary (details shall be agreed with the Local Planning Authority prior to commencement of the development);
- e) Pedestrian and cycle signs at key points along the appropriate routes between the town centre, railway station and proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development);

- f) Residential Travel Packs in accordance with Essex County Council guidance;
- g) Prior to occupation of the 50th dwelling a bus service shall be provided into and/or through the proposal site to provide an hourly service off peak and an enhanced service to the town centre at peak periods (details shall be agreed with the Local Planning Authority prior to commencement of the development)
- h) There shall be a spine road, between Thaxted Road and the proposal site's boundary which abuts planning application UTT/17/2832/OP. Spine road shall have a minimum 6.75 metre wide carriageway, a minimum 2 metre wide footway on one side, a minimum 3 metre wide footway/cycleway on the other and a minimum two bus stops, each to current Essex County Council specification
- i) Provision of pedestrian and cyclist signs at key points along the appropriate routes to the town centre and rail railway station from the site

Affordable Housing

11.161 40% affordable housing would be provided in accordance with Local Plan Policy H9. 5% wheelchair accessible housing would be sought in the form of bungalows. This would accordance with the emerging Draft Policy H6.

Education

11.162 A payment of an education contribution relating to the number of school places generated by the application will be paid.

- A contribution of £17,422 per place is required and based demand generated from the proposal contribution of £235,197 (indexed linked April 2018) to mitigate the impact upon EY &C provision.
- In terms of primary school provision £15,282 per place = £687,645 (indexed)
- In terms of secondary £23,214 per place =£696,420

This will address the education capacity issues that have been raised.

Health

11.163 As part of the contribution package which the scheme offers is a financial contribution of towards healthcare facilities. Based upon 150 dwellings a sum of £59,133 is required to mitigate the development and in order to make the scheme sustainable. Using a formula based approach £394.22 per dwelling will be provided. This accords with the request from NHS.

Travel Plan

11.164 Any contribution that the travel plan will make in this regard is likely to be very modest. Nonetheless, this would need to form part of any S106 Obligation together with a monitoring fee.

11.165 In view of the above, it is evident that the necessary infrastructure can be provided to meet the needs of the development, in accordance with Policy GEN6 of the Local Plan and Draft Local Plan Policy SAF1.

J Other material considerations

11.166 Draft Policy EN12 and EN14 seek the prevention of water contamination. Draft Policy EN16 seeks for Risk Assessments to be undertaken and submitted as part of applications and then should planning permission be granted the sites remediated to reduce the potential of the risk of pollution of controlled waters including ground water.

- 11.167 Section 15 of the NPPF seeks the protection and enhancement of the natural and local environment. It seeks the prevention of pollution of the water environment and the remediation and mitigation of contaminated land.
- 11.168 Phase 1 and Phase 2 Contamination reports have been undertaken as part of the application and have been submitted as part of the application. These highlighted that there are areas to the south and south west which had been historically used as a refuse tip in 1960s, then a scrap yard and household recycling centre.
- 11.169 The integrity of the soil composition and its suitability for natural drainage was discussed and was assessed to be acceptable. No unacceptable contamination in respect of human health or the water environment has been identified and no gas protection is required. Environmental Health has not objected in this respect subject to conditions relating to preventative contamination measures. This is in accordance with policy.
- 11.170 Affinity Water have highlighted within their response that the site lies within a defined groundwater protection zone and that any works would need to be undertaken to British Standards and Best Management Practices. ECC SUDs have not raised any objections in this respect.
- 11.171 The Foul water and Utilities Assessment has highlighted that there is sufficient capacity to provide portable water to the site and within the foul sewerage system.
- 11.172 It has been concluded that there is no utility apparatus on or in the vicinity of the site that would prevent the site's development. A new sub station would need to be provided as part of the scheme in order to facilitate the development. However this would be resolved through the reserved matter stage should planning permission be granted.
- 11.173 No objections have been raised by utility companies.

12. CONCLUSION

- 12.1 The Draft Local Plan is still at an early stage and has limited weight. At the present time the adopted Local Plan policies are still in force. However, the National Planning Policy Framework (NPPF) is a material planning consideration and this has a strong presumption in favour of sustainable development. The applicants have argued that Uttlesford cannot demonstrate an adequate 5 year supply of housing land. The Council recognises that it has a shortfall, and that it should consider favourably applications for sustainable residential development which will make a positive contribution towards meeting housing need. There is a shortfall of dwellings and as a result the Council remains without a deliverable 5 year land supply. It is important that the Council considers appropriate sites.
- 12.2 The application site has been allocated within the Draft Local Plan and the proposed development will provide an economic, social and environmental role. The application site and proposal is sustainable and the scheme will further increase its level of sustainability, particularly through proposed highway improvements.
- 12.3 There is not considered to be sufficient lower grade agricultural land available that sustainably relates to the existing settlement. Therefore the application accords with Local Plan Policy ENV5.

- 12.4 Whilst the design is a reserved matter the development is capable of meeting Essex Design Guide standards, being compatible with its surroundings, providing ample playspaces, meeting Secure by Design, Part M of the Building Regulations and is therefore in accordance with Local Plan Policy GEN2.
- 12.5 The submitted Transport Assessment demonstrates that the proposed development together with proposed off site and on-site highway works can be delivered without any adverse impact upon local highway conditions or road safety. No objection has been raised by the Highways Authority subject to conditions and appropriate highway works, also that this is subject to both sites being approved together and securing the delivery of the spine road.
- 12.6 Public Rights of Way will be maintained within and around the application site and further enhanced as part of the reserved matters, should planning permission be granted. This is in accordance with Local Plan Policy GEN1.
- 12.7 Adequate parking provision is capable of being provided on site in accordance with adopted parking standards, Local Plan Policy GEN8, Local Residential Parking Standards (adopted February 2013) and Draft Local Plan Policy TA3.
- 12.8 In terms of Air Quality, no objection was raised regarding the methodology used within the submitted Air Quality Assessment or the information submitted, the impact of which is stated to be small. A robust assessment of the Air Quality Assessment has highlighted that *“The potential for adverse impact on the AQMA is too great to approve this proposal without road network and other mitigation measures. If other considerations make a recommendation for approval for the proposal likely, consent should also be considered for the proposal under UTT/17/2832/OP to allow the delivery of a road between Thaxted Road and Radwinter Road linking at the boundary of the two proposal sites, and constructed to Essex Highway specification. An analysis of the cumulative impact on air quality has been carried out, the findings of which will be provided under separate documentation, and concludes that routeing of traffic through the link would offer some air quality benefits to the AQMA. No other effective traffic management measures are realistic, and whilst measures to encourage use of low emission vehicles and promote non car travel must be provided, these alone will not be sufficient to reduce the risk to adverse impact on air quality to an acceptable level.”*
- 12.9 As a result of the above a cumulative impact assessment concluded that *“The proposed spine road delivers improvement in air quality at some sites within the AQMA compared to no development. A minor worsening of concentrations is likely to occur outside the AQMA, back from the junction of the spine road and Radwinter Road, close to the care home development approved under UTT/17/3426/FUL. This is due to potential queuing of re-routed traffic. As the resultant levels in 2023 are predicted to be 9.6 ug_m³ here, against a nitrogen dioxide air quality objective of 40 ug_m³, the impact is negligible. The largest reduction in concentrations (-0.49 ug_m³) within the AQMA, is predicted at Thaxted Road close to Shire Hill.”* Fundamentally no objection has been raised subject to both schemes being approved in order to secure the provision of the spine road through both sites and linking up with the Linden Homes site located to the north, also subject to conditions. The scheme therefore in this respect is considered to accord with Policies ENV13 of the adopted Local Plan and Policy EN15 of the emerging Draft Local Plan.
- 12.10 The application site is located within a landscape sensitive area primarily due to changing ground levels of the site and part open/part restricted views to various points of the site. It is acknowledged that there would be noted change in the landscape and

there would be a perceived impact due to development. Fundamentally, it is a case of the degree of visual impact and whether it would result in significant detrimental harm. The scheme has been supported by a Landscape Visual Impact Assessment that demonstrates that the development would not give rise to unacceptable mid to long term visual impact. No objection has been raised by the UDC Landscape Officer subject to conditions. This view was supported by the Inspector in his appeal decision. The scheme is therefore considered to accord with Local Plan Policy GEN2 and ENV3, and Draft Local Plan Policy D1, C1 and EN7.

- 12.11 The proposal would provide 40% affordable housing with 5% provision of wheelchair accessible units in accordance with policy. In terms of local infrastructure the proposed development would contribute towards education and healthcare provision. Open space for recreation purposes is proposed to be offered this would be supported with a financial contribution towards maintenance, community facilities also highway works on and off site. This is in accordance with Local Plan Policy GEN6 of the Local Plan and Draft Local Plan Policy SAF1.
- 12.12 The ecological assessment submitted as part of the application concluded that the site is of low ecological value the proposed development would provide enhancements through SUDs features, strengthened and enhanced landscaping. No objection has been raised by ECC Ecology, and Natural England subject to conditions and carrying the mitigation measures identified within the submitted ecological report. The scheme is therefore in accordance with Policy GEN7 of the adopted Local Plan, also Draft Local Plan Policy EN7.
- 12.13 The application site is located in Flood Risk Zone 1 and has a low probability of the risk of flooding. The scheme would incorporate sustainable drainage systems through the inclusion of ponds, and underground storage, which will be subject to reserved matters and conditions should planning permission be granted. No objection has been raised by ECC SUDs subject to conditions. The scheme therefore accords with Local Plan Policy GEN3 of the adopted Local Plan and Policy EN10 of the Draft Local Plan.
- 12.14 No adverse impact is concluded upon heritage assets subject to an archaeological condition, in accordance with Local Plan Policy ENV4, and Policy EN5 of the Draft Local plan and the NPPF.
- 12.15 No objection has been raised regarding contamination subject to condition should planning permission be granted. This is considered to accord with Local Plan Policies ENV14 and ENV12, also Policies EN12, EN14 and EN16 of the Draft Local Plan.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION AND THE JOINT APPROVAL OF UTT/17/2832/OP

(I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 29 March 2019 the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Finance, in which case he shall be authorised to conclude such an obligation to secure the following:

- (i) Submission of Residential travel plan**
- (ii) Payment of monies relating to travel plan monitoring**
- (iii) Highway Works (as specified in paragraph 11.160 of the main report)**

- (iv) Education Contribution
- (v) NHS contribution
- (iv) 40% Affordable Housing & 5% to be wheelchair accessible
- (vi) Provision of Open Space
- (vii) Contribution towards the maintenance of open space for 5 years if the land is to be maintained by Town Council
- (viii) Contribution towards the provision of community facilities in Saffron Walden
- (ix) Pay Councils reasonable costs
- (x) Pay monitoring costs

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

(III) If the freehold owner shall fail to enter into such an obligation, the Assistant Director Planning shall be authorised to refuse permission in his discretion at any time thereafter for the following reason:

- (i) Submission of travel plan
- (ii) Payment of monies relating to travel plan monitoring
- (iii) Highway works
- (iv) Education Contribution
- (v) NHS contribution
- (iv) Affordable Housing
- (vi) Provision of Open Space
- (vii) Contribution towards the maintenance of open space
- (viii) Contribution towards the provision of community facilities in Saffron Walden

1. Approval of the details of the layout, strategic highway master plan for the spine road, scale, public open space, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

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

2. (A) 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.

(B) 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 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Prior to the erection of any individual building or individual phase hereby approved samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

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

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

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

5. Prior to the development of any individual building or individual phase hereby approved a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment(s) shall be completed before the use hereby permitted individual building or individual phase is commenced. Development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the site and area in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

6. If within a period of 5 years from the date of planting the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

REASON: To ensure the suitable provision of landscaping within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

7. No fixed lighting shall be installed until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of the height of the lighting posts, intensity of the lights specified in Lux levels), spread of light including approximate spillage to the rear of the lighting posts or disturbance through glare. The development shall be carried out in accordance with the approved details.

REASON: To protect the amenity of neighbouring residents, in accordance with Policy GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

8. Prior to the commencement of any individual building or individual phase hereby approved, including any ground works or demolition, a detailed construction environmental management plan shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
- The construction programme and phasing
 - Hours of operation, delivery and storage of plant and materials used in constructing the development

- Parking of site operatives and visitors and loading arrangements of plant and materials
- Details of hoarding
- Management of traffic to reduce congestion
- Control of dust and dirt on the public highway
- Arrangements for monitoring levels of dust emitted during the construction phase
- Details of consultation and complaint management with local businesses and neighbours
- Waste management proposals
- Mechanisms to deal with environmental impacts such as noise, air quality, light and odour.
- wheel and underbody washing facilities

The development shall thereafter be implemented in accordance with the approved details.

REASON: In the interests of highway safety and the control of environmental impacts, in accordance with policy GEN2, GEN1, GEN8, ENV13, ENV14 and GEN4 of the Uttlesford Local Plan (adopted 2005) and the NPPF. Also, 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 Policy DM1 of the Highway Authority's Development Management Policies February 2011.

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

REASON: To ensure that appropriate parking is provided in the interests of highway safety and efficiency in accordance with policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN8 of the Uttlesford Local Plan (adopted 2005).

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

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

11. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Update Ecological Appraisal (Bioscan, May 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes the mitigation in section 6.1.3 (page 29); a 5-10 metre buffer strips with no development around the hedgerow and woodland boundaries - these should remain unlit, sensitive lighting scheme on site, hedgerow removal/breaks kept to an absolute minimum and sensitively lit, due diligence regarding nesting birds. Enhancements include: planting of a new native hedgerow along the ditch on the southern boundary, installation of bat and bird boxes, wildlife friendly ponds adjacent to hedgerows, and use of native species in planting schemes.

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. This is also in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

12. The following works to develop Land East Of Thaxted Road, Saffron Walden shall not in in any circumstances commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England under the Protection of Badgers Act 1992 authorizing the specified activity/development to go ahead; or
 - b) a statement in writing a qualified person to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998. This is also in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

13. All dwellings with garages/car ports shall be provided with vehicle electric charging points. 20% of parking bays shall be provided with EV charging points, with additional 40% having capacity for future conversion. All points shall be fully wired and connected, ready to use before first occupation of the site and retained thereafter.

REASON: This will facilitate sustainable modes of transport in a development that will impact on an Air Quality Management Area and in accordance with the National Planning Policy Framework (para35) that 'Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to [...] incorporate facilities for charging plug-in and other ultra-low emission vehicles'. This is in accordance with Policies GEN1 and ENV13 of the Uttlesford Local Plan (adopted 2005).

14. All domestic boilers provided at dwellings shall incorporate best available technology to reduce nitrogen dioxide emissions. Details of the boilers shall be submitted to the Local Planning Authority prior to installation.

REASON: To facilitate in reducing the impact upon air quality and the Air Quality Management Area and in accordance with the National Planning Policy Framework and Policy ENV13 of the Uttlesford Local Plan (adopted 2005).

15. In the event that contamination is found at any time when carrying out the approved development, it must be reported immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An Investigation and risk assessment to assess the nature and extent of the contamination must be completed and submitted to and approved in writing by the Local Planning Authority. If identified as being necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health and other relevant receptors must be 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). Remediation of the site shall be carried out in accordance with the approved scheme. Within 3 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 the Local Planning Authority.

REASON: To ensure that the proposed development does not cause pollution of controlled waters and that the development complies with approved details in the interests of controlled waters, in accordance with Policy ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

16. Prior to the commencement of any development, a scheme for the provision and implementation of water pollution control shall be submitted and agreed in writing with the Local Authority. The development hereby permitted shall be constructed and completed in accordance with the approved plans/specifications.

REASON: To ensure that the proposed development does not cause pollution of controlled waters and that the development complies with approved details in the interests of controlled waters, in accordance with Policy ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

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

REASON: The Historic Environment Record indicates that the proposed development contains sensitive areas of heritage assets. The desk based assessment, field walking survey and geophysical survey submitted with the application indicate the potential for archaeological deposits on the site. The most significant of these are the two ring ditches identified from the geophysical survey. These have the potential to be of Bronze Age origin and could relate to burial mounds on the site. A programme of archaeological investigation will be required to assess the extent of the archaeological deposits and ensure these are appropriately recorded prior to development commencing. This is in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

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

REASON: The Historic Environment Record indicates that the proposed development contains sensitive areas of heritage assets. The desk based assessment, field walking survey and geophysical survey submitted with the application indicate the potential for archaeological deposits on the site. The most significant of these are the two ring ditches identified from the geophysical survey. These have the potential to be of Bronze Age origin and could relate to burial mounds on the site. A programme of archaeological investigation will be required to assess the extent of the archaeological deposits and ensure these are appropriately recorded prior to development commencing. This is in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

19. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as

detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

REASON: The Historic Environment Record indicates that the proposed development contains sensitive areas of heritage assets. The desk based assessment, field walking survey and geophysical survey submitted with the application indicate the potential for archaeological deposits on the site. The most significant of these are the two ring ditches identified from the geophysical survey. These have the potential to be of Bronze Age origin and could relate to burial mounds on the site. A programme of archaeological investigation will be required to assess the extent of the archaeological deposits and ensure these are appropriately recorded prior to development commencing. This is in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

20. The developer shall 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 contains sensitive areas of heritage assets. The desk based assessment, field walking survey and geophysical survey submitted with the application indicate the potential for archaeological deposits on the site. The most significant of these are the two ring ditches identified from the geophysical survey. These have the potential to be of Bronze Age origin and could relate to burial mounds on the site. A programme of archaeological investigation will be required to assess the extent of the archaeological deposits and ensure these are appropriately recorded prior to development commencing. This is in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

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

- Limiting discharge via infiltration for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system. The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm,

which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site. This is in accordance with Policy GEN3 of the Uttlesford Local Plan and the NPPF.

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

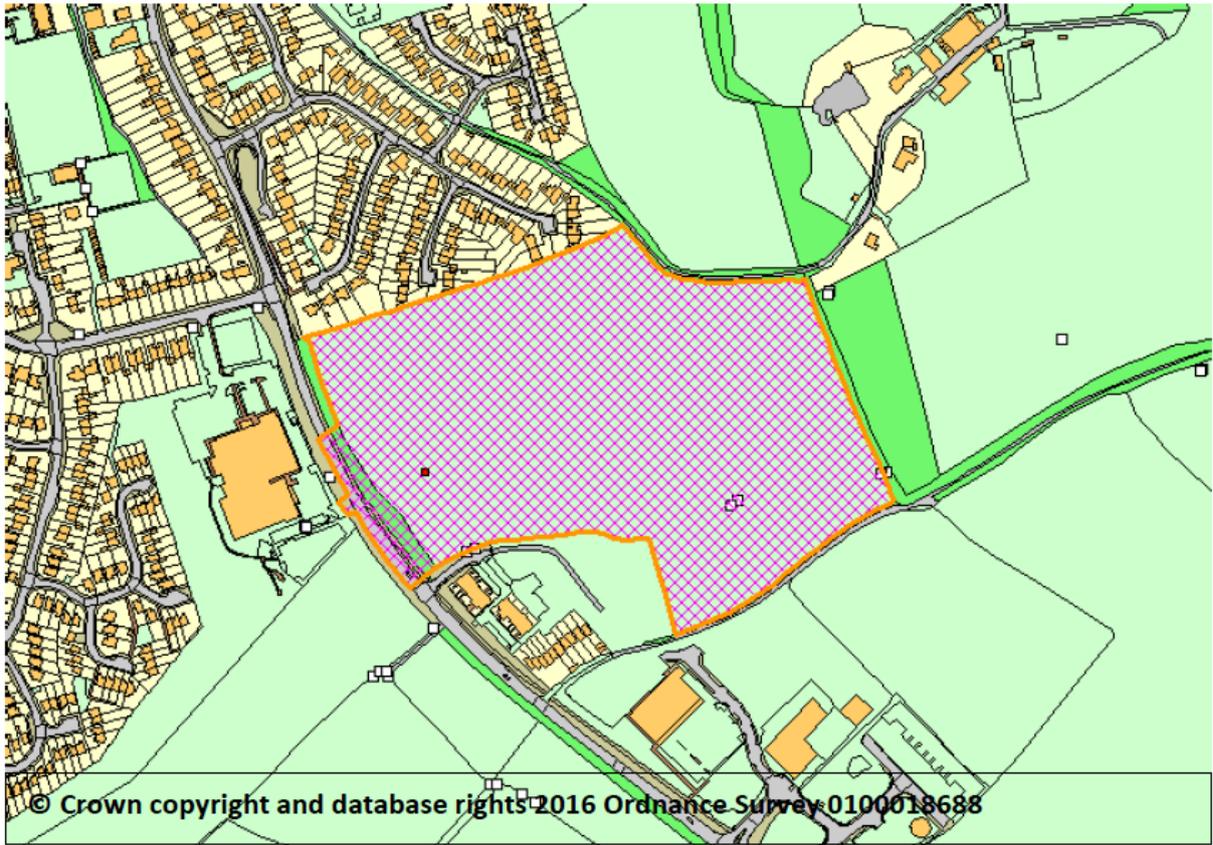
REASON: The National Planning Policy Framework paragraph 103 and paragraph 109 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed. This is in accordance with Policy GEN3 of the Uttlesford Local Plan and the NPPF.

23. No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site. This is in accordance with Policy GEN3 of the Uttlesford Local Plan and the NPPF.

24. 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. This is in accordance with Policy GEN3 of the Uttlesford Local Plan and the NPPF.



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Organisation: Uttlesford District Council

Department: Planning

Date: 10 December 2018

Agenda Item 11

UTT/19/2809/FUL - THAXTED

The application is referred to Committee due to the agent being a former councillor

PROPOSAL:	Change of use of first floor of annexe and change of use of redundant agricultural building into a total of 3 no. holiday lets
LOCATION:	The Willows, Monk Street, Thaxted, CM6 2NR
APPLICANT:	Mr & Mrs Thornton
AGENT:	Vic Ranger
EXPIRY DATE:	29/01/2020
CASE OFFICER:	Alishba Emanuel

1. NOTATION

- 1.1 Protected Lane: UTLANE88 – Folly Mill Lane
Mineral Safeguarding Area: Sand/Gravel
Outside Development Limits

2. DESCRIPTION OF SITE

- 2.1 The site is situated at the Willows, Monk Street, Thaxted Dunmow. It comprises of a farm-holding site, the main features of which are a detached double storey dwelling with blue cladding on the walls, and a black tiled roof with twin dormers to the front elevation. To the side of the plot is a large agricultural barn and an agricultural storage unit. To the rear of the site is a large two-storey barn and a single storey building. The site has a large amount of parking on site and an access road for vehicular use.

3. PROPOSAL

- 3.1 The application is for planning permission for the proposed change of use of redundant rural buildings into holiday lets

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 Biodiversity Checklist
Structural Survey

6. RELEVANT SITE HISTORY

6.1 UTT/19/2174/CLP: Proposed change of use of redundant rural buildings into holiday lets. Refused

UTT/14/0674/FUL: Change of use of ground floor from disabled use to self-contained dwelling. Refused

UTT/12/5016/FUL: Replacement agricultural building. Approved

UTT/0281/06/FUL: Erection of 2-storey building comprising ground floor 2-bay open fronted replacement garage; together with ancillary farm office/workshop and first floor office suite. Approved

UTT/0972/05/FUL: Erection of replacement garage with accommodation for holiday lets. Refused

7.0 POLICIES

Uttlesford Local Plan (2005)

- S7 The Countryside
- LC2 Access to Leisure and Cultural Facilities
- LC05 Hotels and Bed and Breakfast Accommodation
- GEN1 Access
- GEN2 Design
- GEN6 Infrastructure
- GEN7 Nature Conservation
- GEN8 Vehicle Parking Standards

Thaxted Neighbourhood Plan (2019)

- TX TLE1 – Enhancing Tourism

National Policies

- National Planning Policy Framework
- Planning Practice Guidance

Other Material Considerations

- Essex Parking Standards – Sept 2009

8. PARISH COUNCIL COMMENTS

8.1 The Parish Council have resolved to support the application and therefore have no objections.

9. CONSULTATIONS

Essex County Council Highways

9.1 The Highway Authority has no objections to make on this proposal.

Environmental Health

9.2 No objection subject to the following of the recommended conditions.

Essex County Council Ecology Services

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

Economic Development

- 9.4 “Anecdotal evidence provided by the Tourist Information Centre in Saffron Walden suggests that there is a shortage of holiday accommodation/bed space in the district. This proposed change would help to address this shortage. The Council has approved “Economic Development Strategy and Action Plan 2018 – 21” has as a key aim; “Supporting the expansion and promotion of key sectors in the local economy. Initially this will be life sciences, research and innovation; the rural economy; and the visitor economy.” This proposal seeks to expand a business in both the rural and visitor economies and therefore helps enable the delivery of the Council’s Economic Development Strategy.” – resolved to support application

10. REPRESENTATIONS

- 10.1 There were no representations received for this application.

11. APPRAISAL

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

- A** Principle of change of use to holiday lets (S7, LC5; TX TLE1; NPPF)
- B** Character and Appearance (S7, GEN2, NPPF)
- C** Access and Parking Arrangements (GEN2, GEN4)
- D** Amenity (GEN2, NPPF)
- E** Biodiversity (GEN7, NPPF)

A Principle of change of use to holiday lets (S7, LC5; TX TLE1; NPPF)

- 11.1 The Local Plan identifies the site to be outside of the Thaxted settlement development limits and so Local Plan Policy S7 applies. The principle of development on the site will be established if the development’s design and scale conforms and respects the immediate character and setting.
- 11.2 The Local Plan also states that the development of tourism is supported to increase the economic benefits of the district provided this is done in a sustainable way.
- 11.3 Paragraph 83 of the NPPF, in supporting a prosperous rural economy, allows for sustainable rural tourism and leisure developments, which respect the character of the countryside. The Thaxted Neighbourhood Plan, comments on the requirement for development to enhance its tourism industry and provide economic benefit through increasing visitors to the area. The increase of accommodation for tourists is considered beneficial to these aims and would comply with Policy TX TLE1.
- 11.4 Policy LC5 predates the NPPF, however it relates to the provision of tourist accommodation outside of development limits if it involves the reuse of a rural building, or if it is a replacement of an existing serviced accommodation. The

proposal meets the requirement as the change of use pertains to redundant rural buildings.

- 11.5 Therefore, on balance the proposed scheme is seen to accord with the NPPF and comply with Local Plan Policies S7, LC5 and with the Thaxted Neighbourhood Plan Policy TX TLE1.

B Character and Appearance (S7, GEN2, NPPF)

- 11.6 The proposed change of use of the two redundant agricultural buildings are considered to respect the character and appearance of the surrounding settlement. This design and existing character of the buildings will remain largely unaltered, with minor changes to the north and south elevation of the redundant barn, to enable its functionality as two holiday lets. Through changing existing windows on the North elevation to windows to allow for more light into the building, and enlarging an existing window to form a door, the barn is made more appropriate for accommodation use. As there are minimal changes to the buildings, and with no change to the materials, the proposal is considered in keeping with the rural character of the area. It is therefore considered that the proposed development accords with the above policies in so much as they relate to character and design.

C Access and Parking Arrangements (GEN1, GEN8, NPPF)

- 11.7 The site is located at a considerable distance from the village, therefore the occupants of the proposed holiday lets would require a car to access the town's services and facilities. Policy GEN1 states that development should encourage movement by means other than driving a car, There is also a footpath close by to the site promoting occupants to walk to nearby sites, however in this instance due to the rurality and special character of this location in Thaxted, public transport infrastructure is not easily accessible.
- 11.8 Paragraph 103 of the NPPF highlights the significance of differentiating how sustainable transport solutions will vary between urban and rural areas, therefore the proposals inclusion of providing infrastructure at the two buildings to provide electric vehicle charging points, is considered to meet the sustainability requirement.
- 11.9 The Highway Authority have stated that it "has no objections to make on this proposal", subject to conditions. The public's rights and ease of passage over public footpath no.57 (Thaxted) shall be maintained free and unobstructed at all times to ensure the continued sage passage of the public on the definitive right of way.

D Amenity (GEN2, NPPF)

- 11.10 Taking into account The Essex Design Guide, which constitutes non-adopted but useful guidance, it is considered that the proposed amenity space afforded to the two amenity would be of a suitable size, and that there would be no significant adverse effects on the amenity of neighbouring premises with respect to daylight, privacy or overbearing impacts. It is therefore concluded that the proposal accords with the above policies insofar as they relate to amenity.

E Biodiversity (GEN7, NPPF)

- 11.11 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.
- 11.12 Essex County Council Ecology were consulted and commented that they had no objection, subject to securing biodiversity mitigation and enhancement measures. Ecology commented that the conversion do not show any alterations to the roof or roof tiles and therefore it was considered a bat preliminary roost assessment was not necessary, as the proposals do not affect roosting features for bats. However if the roof voids will be affected by any works, that a precautionary approach will be needed to minimise the risk of disturbing bats. To prevent impacts on commuting bats during and post construction, it is recommended by Ecology that a bat sensitive lighting scheme be implemented.
- 11.13 Ecology also recommended the proposal include a biodiversity enhancement, in line with the planning system's aim to deliver net gains for biodiversity (enhancements) is implemented. "The inclusion of a bat box situated to 5 metres high on a tree post or building facing north, south-east or south-west and/or a bird box facing between north and east, will ensure measurable net gain for biodiversity, which will meet the requirements of Paragraph 170d of the National Planning Policy Framework 2019".

12. CONCLUSION

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

- A** The principle of the development is deemed to be appropriate in that it would be acceptable sustainable development for a rural area and acceptable in terms of design, layout, amenity, access and parking arrangements, in accordance with local and national planning policies.

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 use of the development hereby permitted, the access arrangements and vehicle parking areas as indicated on the approved plans shall be provided. The access, electric vehicle charging points and parking area shall be retained at all times for their intended purpose.

Reason: To ensure that appropriate access and parking is provided, in accordance with Policy GEN1 and GEN8 of the Uttlesford Local Plan 2005.

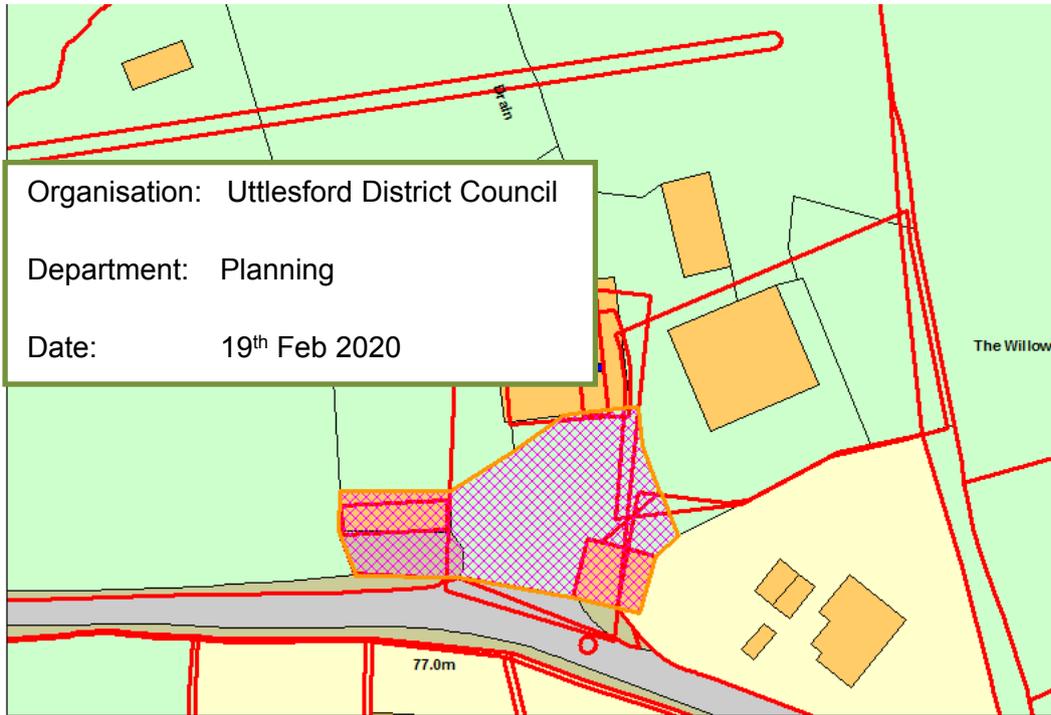
3. Prior to first use of the development hereby permitted a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance 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), in accordance with Policy GEN7 of the Uttlesford Local Plan 2005.

4. Prior to the first use of the development hereby permitted, a Wildlife Sensitive Lighting Design Scheme 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 comply with Uttlesford District Council duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act and Uttlesford Local Plan Policy GEN7.



UTT/19/2793/LB (SAFFRON WALDEN)

(Cllr Freeman. Reason: Inappropriate signage in a Conservation Area, and on a listed building, and impact on the street scene of an historic street in the Conservation Area)

DEVELOPMENT: Retention of 2 no. non-illuminated fascia signs, internal branded roller blinds and internal signage. Removal of 1 no. fascia sign to bay window

LOCATION: 24 Church Street Saffron Walden Essex

APPLICANT: Mullucks Estate Agents

AGENT: Mr I Abrams

EXPIRY DATE: 2nd January 2020 (EOT 24th February 2020)

CASE OFFICER: Nicola Perry

1. NOTATION

- 1.1 Within Development Limits;
Conservation Area;
Listed Building;
Archaeological Site.

2. DESCRIPTION OF SITE

- 2.1 The application site comprises a Grade II listed commercial building, located in Church Street on the corner with Museum Street. The two storey building is of traditional timber framed and plastered construction with a clay tiled roof. On the ground floor a full width bay shop window set under a jetty fronts Church Street, with two adjacent sash windows. A panelled entrance door is positioned at the corner of the building, with one adjacent sash window and a second panelled door at the far end, all front Museum Street with a long jetty above. The shop is situated amongst other historic buildings, many of which are also listed, within the Conservation Area for Saffron Walden.

3. PROPOSAL

- 3.1 Retrospective consent for the retention of 2 no. non-illuminated signs to the external façade of the building, window displays in the form of branded roller blinds fitted internally to the windows and internal signage comprising graphics on the rear wall and a glazed panel. Includes the removal of 1 no. external fascia sign located below the bay window fronting Church Street.

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. APPLICANT'S CASE

- 5.1 The application includes the following documents:
- Design and Access and Heritage Statement

6. RELEVANT SITE HISTORY

- 6.1 A/UTT/0152/84 & LB/UTT/0153/84 – Advertisement and listed building consent was granted in March 1984 for two non-illuminated shop signs.

UTT/19/1478/AV – The application follows the granting of advertisement consent for the retention of no.2 non-illuminated external signs, branded roller blinds and internal signage Split Decision in October 2019.

APPROVE WITH CONDITIONS:

1. retention of no.2 of the no.3 non-illuminated signs located at first floor level on the external façade of the building
2. window displays in the form of branded roller blinds fitted internally to the windows
3. internal signage comprising graphics on the rear wall and glazed panel

REFUSE:

4. external no.1 fascia sign located at ground floor level on the south elevation below the bay shop window.

REFUSAL REASON:

The siting, size and appearance of the sign is visually prominent and the cumulative impact of the signage is disproportionate, resulting in a significantly adverse impact to the visual amenity of the locality with particular regards to the architectural and historic attributes of the listed building and conservation area. As such the advertisement does not comply with Policies GEN2, ENV1 and ENV2 of the Uttlesford Local Plan (adopted 2005) and the principles of the Town and Country Planning Advertisement Regulations 2007 (as amended).

7. POLICIES

- 7.1 S16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering whether to grant listed building consent for any works, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The National Planning Policy Framework (NPPF)(2019) and Policies GEN2 and ENV2 of the Uttlesford Local Plan (2005) are material considerations.

A full list of policies taken into account whilst reviewing this application are listed below.

Uttlesford Local Plan (2005)

- 7.2 Policy ENV2 – Development affecting Listed buildings

Supplementary Planning Documents/Guidance

- 7.3 Not applicable.

National Policies

- 7.4 National Planning Policy Framework (NPPF)(2019)
Planning (Listed Buildings and Conservation Areas) Act 1990
- Sections 16(2)

Other Material Considerations

- 7.5 Emerging Local Plan:
- Policy EN4 – Development affecting Listed Buildings

8. TOWN COUNCIL COMMENTS

- 8.1 Noted no objections (received 3rd December 2019)

9. CONSULTATIONS

Place Services - Built Heritage Advice (received 20th January 2020)

9.1 RE: 24 Church Street, Saffron Walden

This application is for the retention of two non-illuminated fascia signs, the removal of one fascia sign below a bay window, and for internal branded roller blinds and internal signage.

24 Church Street is a grade II listed timber-framed building dating from the 15th century and later. It is an attractive building occupying a prominent corner position in the Saffron Walden Conservation Area.

I do not regard this application as well presented. There is no information on the materials used for the manufacture of the signage, nor a plan to show the internal signage. Nevertheless, in the context of the previous refused applications, I would make the following recommendations:

- That the installation of the two external high level signs, and the removal of the low level sign below the bay window, be approved
- That the roller blind signage be refused. I agree with the previous advice that this display of coloured advertising material and branding would be excessive, out of character with the listed building and Conservation Area, and damaging to them, and as such paragraph 196 of the NPPF is relevant.
- The internal signage is acceptable subject to a condition requiring the applicant to submit information which satisfies the local planning authority that it will be reversible and have no adverse impact on the historic fabric of the building.

- 9.2 The comments made by the Conservation Officer have been addressed in the appraisal below.

10. REPRESENTATIONS

- 10.1 No comments received.

11. APPRAISAL

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

- A Whether the proposal would adversely impact the historic fabric and setting of the Listed Building, as outlined in Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (ULP Policy ENV2, NPPF)
- A Whether the proposal would adversely impact the historic fabric and setting of the Listed Building, as outlined in Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (ULP Policy ENV2, NPPF)**
- 11.1 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 states that a planning authority shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and local planning authorities are required to apply this statutory advice when determining listed building applications. ULP Policy ENV2 advises that development affecting a listed building should be in keeping with its scale, character and surroundings. 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.
- 11.2 These policies are further supported by the aims of the NPPF, paragraph 189 states that "*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made to their setting*", whilst paragraph 196 states that "*Where in cases where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use*".
- 11.3 The application seeks retrospective consent for the installation of internal and external advertising signage and window displays to a Grade II listed building. In view of the listed status consultation is required, Place Services Conservation Officers have reviewed the application and have responded to advise that the installation of the two external high level signs, and the removal of the low level sign below the bay window is supported. They have advised that the window displays comprising internal roller blind signage is not supported, as the display of coloured advertising material and branding is considered excessive, out of character with the listed building and Conservation Area, and damaging to them. However the internal signage comprising graphics on the rear wall and glazed panel is acceptable subject to a condition requiring the applicant to submit information which satisfies the local planning authority that it will be reversible and have no adverse impact on the historic fabric of the building.
- 11.4 Taking account of this advice, it is considered that the removal of the ground floor non-illuminated external fascia sign, located below the bay shop window would be sufficient to reduce the impact of the disproportionate amount of advertising to the character of the listed building. Subsequently the roller blinds would represent the primary branding at ground floor level and therefore on balance it is considered that their impact would be moderated. Furthermore no objections have been raised to suggest the roller blinds are harmful to the historic fabric of the building and planning officers are of the understanding that

listed building consent is not required for the installation of this type of window dressing.

- 11.5 As such it is considered that the development would not adversely impact the historic fabric or setting of the Listed Building and therefore accords with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, ULP Policy ENV2 and the NPPF.

12. CONCLUSION

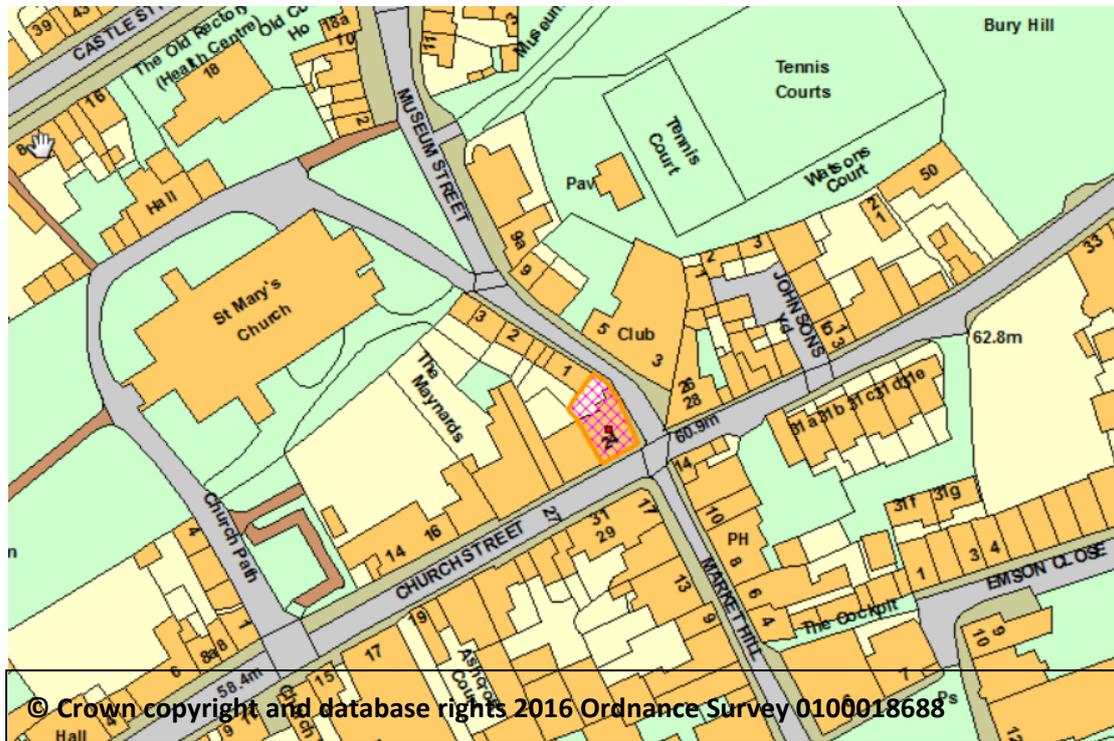
The following is a summary of the main reasons for the recommendation:

- A** The development is considered to be acceptable and complies with National and Local Planning Policies and the requirements of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. As the works have already been undertaken no conditions are required in this respect. It is therefore recommended that the application is approved.

RECOMMENDATION – UNCONDITIONAL APPROVAL

Application: UTT/19/2793/LB

Address: 24 Church Street, Saffron Walden, Essex CB10 1JW



Organisation: Uttlesford District Council

Department: Planning

Date: 31st January 2020

UTT/20/0136/NMA (LITTLE CHESTERFORD)

(Uttlesford District Council has an interest in the land)

PROPOSAL: Non Material Amendment to UTT/17/3111/FUL - internal changes to insert a service lift (ground and first floor); North elevation - first floor windows enlarged, darker colour and vertical cladding; South elevation - window changed to a door at ground floor level; West elevation - first floor windows enlarged; Provision of an area for the storage of gas bottles to the west of the building

LOCATION: Building 60, Chesterford Park, Little Chesterford

APPLICANT: Chesterford Park Ltd Partnership

AGENT: RPS

EXPIRY DATE: 17 February 2020

CASE OFFICER: Chris Tyler

1. NOTATION

1.1 Chesterford Park.

2. DESCRIPTION OF SITE

2.1 The site includes a research and development facility at the western edge of Chesterford Research Park and a separate portion of land adjacent the roundabout that provides access from Walden Road (B184).

3. PROPOSAL

3.1 The application is for a Non-Material Amendment to a planning permission for the remodeling of the existing building including various extensions and alterations. The approved development also includes a reconfiguration of the car park, the erection of bin stores and re-grading works between the main building and the adjacent pond.

3.2 The proposed amendments include:

- Internal changes to insert a service lift (ground and first floor)
- North elevation- first floor windows enlarged through slightly lowering the sill heights, provision of vertical cladding to all of north elevation and darker grey cladding to eastern and western bays of the north elevation;
- South elevation- window changed to a door at ground level;
- West elevation- first floor windows enlarged through slightly lowering the sill heights;
- Provision of an area for the storage of gas bottles to the west of the building;

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. APPLICANT'S CASE

- 5.1 The application includes the following documents:
- Covering letter

6. RELEVANT SITE HISTORY

- 6.1 The abovementioned planning permission was granted in February 2018 (UTT/17/31111/FUL).

7. POLICIES

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

Uttlesford Local Plan (2005)

- 7.3 S5 – Chesterford Park Boundary
S7 – The Countryside
GEN1 – Access
GEN2 – Design
GEN3 – Flood Protection
GEN7 – Nature Conservation
GEN8 – Vehicle Parking Standards
E2 – Safeguarding Employment Land
E3 – Access to Workplaces
Chesterford Park Local Policy 1 (CPLP1)

Supplementary Planning Documents/Guidance

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

National Policies

- 7.5 National Planning Policy Framework (NPPF) (2012)
- Paragraphs 14, 17, 32-39, 58, 100-104 & 118
Planning Practice Guidance (PPG)
- Design
- Flood risk and coastal change

- Natural environment
- House of Commons Written Statement: Sustainable drainage systems (HCWS161) (2014)
- Planning Update: Written statement (HCWS488) (2015)

Other Material Considerations

7.6 Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)

8. PARISH COUNCIL COMMENTS

8.1 No consultations necessary.

9. CONSULTATIONS

9.1 No consultations necessary.

10. REPRESENTATIONS

10.1 No publicity necessary.

11. APPRAISAL

The issues to consider in the determination of the application are (relevant policies in brackets):

- A Character and appearance (S5, S7, 17, 58 & PPG)
- B Transport (GEN1, GEN8, 32-39 & HCWS488)
- C Accessibility (GEN2, E3, 58 & PPG)
- D Amenity (GEN2 & 17)
- E Flooding (GEN3, 100-104, PPG, HCWS161 & SFRA)
- F Biodiversity (GEN7, 118 & PPG)

A Character and appearance (S5, S7, 17, 58 & PPG)

11.1 It is considered that the proposed changes would not have a significant impact on the appearance of the development or the character of the surrounding area. It is therefore concluded that there is no conflict with the above policies.

B Transport (GEN1, GEN8, 32-39 & HCWS488)

11.2 It is considered that the proposed changes would not cause conflict with the above policies. It is noted that the alterations to the car park would not affect the number of spaces.

C Accessibility (GEN2, E3, 58 & PPG)

11.3 It is considered that the proposed changes would not cause conflict with the above policies insofar as they relate to accessibility.

D Amenity (GEN2 & 17)

11.4 It is considered that the proposed changes would not cause conflict with the above policies insofar as they relate to amenity.

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

11.5 It is considered that the proposed changes would not cause conflict with the above policies.

F Biodiversity (GEN7, 118 & PPG)

11.6 It is considered that the proposed changes would not cause conflict with the above policies.

12. CONCLUSION

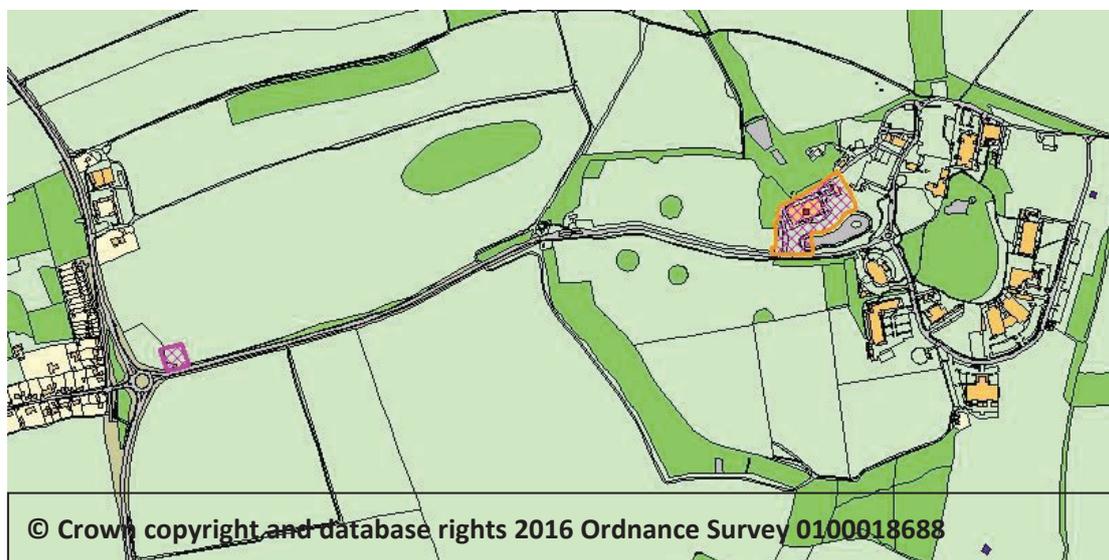
The following is a summary of the main reasons for the recommendation:

A The proposed amendments are considered appropriate for the development, and non-material in the context of the overall scheme. There would be no conflict with local and national policies, including those in the revised NPPF which was published after planning permission was granted. The proposed amendments also do not deviate from the heart of the original planning permission. It is therefore recommended that the application be approved, in accordance with S96A of The Town and Country Planning Act 1990

RECOMMENDATION – APPROVAL

Application: UTT/1920/0136/NMA

Address: Building 60, Chesterford Park, Little Chesterford



Organisation: Uttlesford District Council

Department: Planning

Date: 19/03/2019